



Homeland Security Investigations

Human Trafficking Investigations Handbook

HSI HB 22-04 / May 18, 2022



U.S. Immigration
and Customs
Enforcement



Homeland Security Investigations

Human **Smuggling and** Trafficking Investigations Handbook

HSI HB **15-04 / August 21, 2015**



U.S. Immigration
and Customs
Enforcement

Foreword

The Human Trafficking Investigations Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents when conducting investigations relating to human trafficking. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. Oversight over the National Human Trafficking Investigations Program resides with the Center for Countering Human Trafficking's (CCHT) Operations Unit.

The Human Trafficking Investigations Handbook supersedes Chapters 8 and 9; Sections 13.7-9, 15.1-15.7, and 15.9; Appendices D and E; and any other part of the HSI Human Smuggling and Trafficking Investigations Handbook (HB) 15-04, dated August 21, 2015, that discusses or mentions human trafficking.

The Human Trafficking Investigations Handbook is an internal policy of HSI. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter, nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of ICE. This Handbook is For Official Use Only (FOUO) – Law Enforcement Sensitive. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with the Department of Homeland Security policy relating to FOUO information and the ICE Directive on Safeguarding Law Enforcement Sensitive Information. This information shall not be distributed beyond the original addressees without prior authorization of the originator. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Information Disclosure Unit, as well as the ICE Office of the Principal Legal Advisor and/or the appropriate U.S. Attorney's Office, are to be consulted so that measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure in civil discovery. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Information Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the HSI Policy Unit which will coordinate all needed revisions with the CCHT Operations Unit.



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05/18/2022

Date

Foreword

The Human Smuggling and Trafficking Investigations Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents when conducting investigations relating to human smuggling and trafficking. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. Oversight over the National Human Smuggling and Trafficking Investigations Program resides with the Unit Chief, Human Smuggling and Trafficking Unit.

The Human Smuggling and Trafficking Investigations Handbook supersedes a number of policy documents issued by the former U.S. Immigration and Naturalization Service, the former ICE Office of Investigations, and HSI. See Appendix G for a detailed list of documents superseded by this Handbook.

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HUMAN SMUGGLING AND TRAFFICKING INVESTIGATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Human Smuggling and Trafficking Investigations Handbook establishes policies and procedures to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting human smuggling and human trafficking investigations within the scope of their authority.

Chapter 2. INTRODUCTION

HSI is committed to protecting the United States by combatting the worldwide problem of human smuggling and human trafficking. The mission of HSI's Human Smuggling and Trafficking Unit (HSTU) is to identify criminal smuggling and trafficking organizations, prioritize investigations according to the degree of risk posed by each to national security and public safety, and coordinate field office investigations around targeted organizations with the goal of eliminating their ability to function.

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook.

3.1 Admission

The lawful entry of an alien into the United States after inspection and authorization by an immigration officer. See Title 8, United States Code (U.S.C.), Section 1101(a)(13)(A), Immigration and Nationality Act (INA), Section 101(a)(13)(A). Aliens lawfully admitted for permanent residence are not generally regarded as seeking an admission upon entry to the United States unless specific criteria enumerated in the INA has been met. 8 U.S.C. § 1101(a)(13)(C); INA § 101(a)(13)(C). Under Board of Immigration Appeals precedent, a procedurally regular, but otherwise unlawful, entry can still constitute an admission. For example, an alien who presents a fraudulent passport when entering the United States would be considered admitted. He or she would be placed in proceedings under chapter 237 of the INA, rather than under chapter 212.

3.2 Asylum

A discretionary form of protection available to aliens physically present in the United States who meet the definition of a refugee under 8 U.S.C. § 1101(a)(42), INA § 101(a)(42), and are not otherwise barred from receiving it. See 8 U.S.C. §§ 1158(a), (b), INA §§ 208(a), (b). Once an alien has been granted asylum, he or she may not be removed to his or her country of nationality or, in the case of an alien with no nationality, to his or her country of last habitual residence. See

HUMAN TRAFFICKING INVESTIGATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Human Trafficking Investigations Handbook establishes uniform policies and procedures to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting human trafficking investigations within the scope of their authority. The investigation of human trafficking, as well as the identification of, and assistance to, its victims, is an HSI and U.S. Department of Homeland Security (DHS) priority.

Chapter 2. INTRODUCTION

HSI is committed to protecting the homeland and upholding the law by combatting the heinous worldwide problem of human trafficking. Human trafficking is a crime in which traffickers lure individuals with promises of employment and/or a better life only to compel them into labor and/or commercial sex. Unlike any other crime HSI investigates, the identification of human trafficking and the successful prosecution of those cases is highly dependent on the victims. Since the enactment of the Trafficking Victims Protection Act (TVPA) in 2000, the U.S. Government has coordinated and implemented a comprehensive approach to investigate and prosecute traffickers, protect the victims, and prevent the crime. As a result, human trafficking became a priority for the former Immigration and Naturalization Service and has remained a priority for DHS and HSI since their creation.

HSI is committed to disrupting and dismantling human trafficking organizations. This crime impacts border security, public safety, the U.S. economy, and public health, with human traffickers inflicting lasting and devastating physical, psychological, and financial harm on their victims. HSI conducts approximately a thousand human trafficking investigations annually; identifies and assists hundreds of victims; and conducts extensive outreach and trainings to local law enforcement, nongovernmental organizations (NGOs), and the general public to educate members of the public about human trafficking and to generate leads. HSI informs victims about the resources and immigration relief available to them, such as Continued Presence (CP) and T and U visas for foreign-born victims. These heinous crimes have no place in our society, and HSI uses the full extent of its criminal, immigration, and trade-based authorities, in addition to collaborations with federal, state, local, and tribal law enforcement partners, to prevent trafficking, protect victims, and prosecute traffickers.

8 U.S.C. § 1158(c)(1), INA § 208(c)(1). Once an alien has been granted asylum, he or she becomes eligible for other immigration benefits. *See* 8 U.S.C. §§ 1158(c)(1)(B), (C), INA §§ 208(c)(1)(B), (C).

3.2.1 Affirmative Asylum Process

The process whereby an alien seeks asylum by submitting an Application for Asylum and Withholding of Removal (U.S. Citizenship and Immigration Services (USCIS) Form I-589) to USCIS. There are seven steps in the affirmative asylum process: (1) the alien arrives in the United States, (2) the alien applies for asylum, (3) USCIS conducts fingerprinting and background/security checks, (4) the alien receives an interview notice, (5) a USCIS Asylum Officer (AO) conducts an interview with the alien, (6) the AO makes a determination on eligibility and the Supervisory Asylum Officer reviews the decision, and (7) the alien receives the decision. *See* USCIS Affirmative Asylum Procedures Manual, dated November 2007, revised July 2010, or as updated. If the AO does not approve the application of an alien who is inadmissible or deportable, the AO shall refer the application to an immigration judge for adjudication in removal proceedings. *See* Title 8, Code of Federal Regulations (C.F.R.), Section 1208.14(c)(1).

3.2.2 Defensive Asylum Process

The process whereby an alien who has not affirmatively applied for asylum with USCIS may nevertheless seek asylum before an immigration judge as a defense to, or relief from, removal. In such cases, the alien submits the application to the immigration judge who will determine whether the alien is eligible for relief during the course of the immigration proceedings. *See* 8 C.F.R. § 1208.2(b), (c).

3.3 Continued Presence

Continued Presence (CP) is a temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows eligible aliens to remain in the United States temporarily during the ongoing investigation into the human trafficking-related crimes committed against them. CP is initially granted for 1 year and may be renewed in 1-year increments. CP is authorized under provisions of section 107(c)(3) of the Trafficking Victims Protection Act (TVPA), which has since been reauthorized, and is codified at 22 U.S.C. § 7105(c)(3).

(b)(7)(E)

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Abuse or Threatened Abuse of Law or Legal Process

Under the forced labor statute, the term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action. Title 18, United States Code (U.S.C.), Section 1589(c)(1).

3.2 Coercion

Threats of “serious harm” to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process. 22 U.S.C. § 7102(3).

3.3 Commercial Sex Act

Any sex act on account of which anything of value is given to or received by any person. 22 U.S.C. § 7102(4).

3.4 Continued Presence

CP is an immigration designation provided to noncitizens identified by law enforcement as victims of a severe form of human trafficking who may be potential witnesses to such trafficking, as well as noncitizens who have filed a civil action. CP allows eligible noncitizens¹ to remain in the United States temporarily to facilitate an investigation or prosecution of the human trafficking-related crimes committed against them or for the duration of their civil case. CP may be granted initially for a period of two years and renewed in increments of up to two years. CP may expire or be terminated at any time. 22 U.S.C. § 7105(c)(3). (See HSI Directive 21-03, Continued Presence, dated February 24, 2021, or as updated.)

3.5 Debt Bondage

The status or condition of a debtor arising from a pledge by the debtor of the debtor’s personal services or of those of a person under the debtor’s control as a security for debt if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. Individuals will

¹ The term “alien” is defined in 8 U.S.C. § 1101(a)(3) as any person not a citizen or national of the United States. For purposes of this Directive, the term “noncitizen” will use the same definition as the term “alien” in 8 U.S.C. § 1101(a)(3).

3.5 Debt Bondage

The status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. An individual will often pledge himself or someone under his or her control into debt bondage in exchange for passage into the United States. See 22 U.S.C. § 7102(4).

3.6 Deferred Action

An act of administrative convenience to the government which gives some cases lower priority. See 8 C.F.R. § 274a.12(c)(14).

3.7 Destination Country

The termination point or last country of the undocumented alien (UDA)'s journey and where the UDA intends to reside.

3.8 Drop House

A residence or building in the United States that is used to harbor a group of smuggled aliens after they entered the United States illegally. Typically, aliens are held at the "drop house" until their smuggling fee has been paid and/or while they await transport to another location.

3.9 Forced Labor

Labor or services of a person that is provided or obtained by threats of serious harm to, or physical restraint against, that person or another person, by means of any scheme, plan, or pattern intended to cause the person to believe that if he or she did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint, or by means of the abuse or threatened abuse of law or the legal process. See 18 U.S.C. § 1589.

3.10 Human Smuggling

The facilitation and transportation of people into the United States by deliberately evading U.S. immigration laws. This offense includes bringing UDAs into the United States and unlawfully transporting and/or harboring aliens already present. (Note: The statute governing this range of offenses is 8 U.S.C. § 1324.)

3.11 Human Trafficking

There are two kinds of human trafficking: sex trafficking and labor trafficking.

often pledge themselves or someone under their control into debt bondage in exchange for passage into the United States. 22 U.S.C. § 7102(5).

3.6 Forced Labor

Labor or services of a person that is provided or obtained by threats of serious harm to, or physical restraint against, that person or another person, by means of any scheme, plan, or pattern intended to cause the person to believe that if such labor or services were not performed, this person or another person would suffer serious harm or physical restraint, or by means of the abuse or threatened abuse of law or the legal process. 18 U.S.C. § 1589.

3.7 Forensic Interview

A forensic interview is a fact-finding interview that is designed to elicit accurate and complete information in an investigation. It is conducted by a forensic interview specialist (FIS) trained in conducting interviews of minor victims and witnesses as well as adult victims and witnesses who suffer from cognitive or developmental disability or from severe trauma. It is most commonly conducted (b)(7)(E)

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3.8 HHS Certification or Certification Letter

A Certification Letter, issued by the U.S. Department of Health and Human Services (HHS), confirms adult foreign national trafficking victims' eligibility for federal public benefits and services to the same extent as refugees. When HSI approves CP or when U.S. Citizenship and Immigration Services (USCIS) grants a T visa, HHS is simultaneously notified in order to generate the HHS Certification Letter. HHS issues Eligibility Letters for minors which grant access to the same benefits and services, including placement in the Unaccompanied Refugee Minors program, which provides specialized, culturally appropriate foster care or other licensed care settings according to the child's individual needs. Minors are not required to cooperate with law enforcement. Trafficking victims who are U.S. citizens or lawful permanent residents (LPRs) do not need HHS Certifications or Eligibility Letters to be eligible for similar benefits and services. (See 22 U.S.C. § 7105(b)(1)(E).)

3.9 Human Smuggling

The facilitation and transportation of people into the United States by deliberately evading U.S. immigration laws. This offense includes bringing noncitizens into the United States and unlawfully transporting and/or harboring noncitizens already present. (Note: The statute governing this range of offenses is 8 U.S.C. § 1324.)

A. Sex trafficking is a commercial sex act that is induced by force, fraud, or coercion, or in which the person who is induced to perform such act has not attained 18 years of age.

B. Labor trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a victim by means of threat or use of force or coercion, thus subjecting the victim to involuntary servitude, peonage, debt bondage, or slavery. Involuntary servitude can be induced by means of:

- 1) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into, or continue in, such condition, that person, or another person, would suffer serious harm or physical restraint; or
- 2) the abuse or threatened abuse of the legal process.

See generally 18 U.S.C. §§ 1581-1596; 22 U.S.C. §§ 7101-7112; 42 U.S.C. § 14044; INA § 212(a)(2)(H).

3.12 Minor/Juvenile

A minor or juvenile is an individual who has not attained 18 years of age.

3.13 Parole

A grant of parole permits an otherwise inadmissible alien to be present in the United States temporarily due to urgent humanitarian concerns or to provide a significant benefit to the United States. *See* 8 U.S.C. § 1182(d)(5)(A); INA § 212(d)(5)(A). Parole does not confer any immigration status upon the alien.

3.14 Peonage

Peonage is the use of laborers bound to servitude due to debt. *See generally* 18 U.S.C. §§ 1581-1596; *see also* Section 3.11(B) above.

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3.10 Human Trafficking

There are two kinds of human trafficking: sex trafficking and labor trafficking. Human trafficking, referred to in the TVPA of 2000 as “severe forms of trafficking in persons,” is defined as:

- A. Sex trafficking – the recruitment, harboring, transportation, provision, or obtaining of a person for commercial sex in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- B. Labor trafficking – the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. 22 U.S.C. § 7102(9).

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3.11 Investigative Interview

An interview conducted by an SA with the intent of soliciting information to further an investigation, knowing that this information has a high probability of being used as evidence in a judicial proceeding.

3.12 Minor

Under federal criminal law, a minor is any person under the age of 18. Anyone under 18 and identified in commercial sex is a sex trafficking victim. 18 U.S.C. § 1591.

Not later than 24 hours after an SA discovers that a minor or an unaccompanied child may be a “victim of a severe form of trafficking,” the SA will notify HHS and the Center for Countering Human Trafficking (CCHT) Operations Unit as required by section 212 of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. (See Section 9.10.)

3.13 Multidisciplinary Team

Team composed of a group of professionals from different disciplines (law enforcement, child welfare/protection, and prosecutors, among others), with varied but complementary experience, qualifications, expertise, and skills. The U.S. Government has long supported a multidisciplinary approach to combatting human trafficking. Some human trafficking task forces are representative of this approach as well.

3.17 Refugee

- A. Any person who is outside of his or her country of nationality or, if he or she has no nationality, country of last residence, and is unable or unwilling to return to that country or avail himself or herself of that country's protection due to past persecution or a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. See 8 U.S.C. §1101(a)(42)(A), INA § 101(a)(42)(A).
- B. In such circumstances as the President after appropriate consultation may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. See 8 U.S.C. §1101(a)(42)(B), INA § 101(a)(42)(B).

3.18 Source Country

A source country is the UDA's country of origin. The term is also used in TECS to define the country/countries where the criminal activity originated. For example, where a Brazilian citizen or national is smuggled from Brazil, through Mexico, to the United States, the source country would be Brazil.

3.19 Special Interest Alien

A citizen or national of a country of current national security concern to the United States.

3.20 Special Interest Country

A country from which terrorism or national security threats to the United States originate or have been present.

3.21 Transit Country

A country, or countries, through which a UDA travels after departing his or her source country and prior to arriving at his or her destination country. Aliens may travel through multiple transit countries. For example, an alien from South Korea may be smuggled through France and Canada (in this case the transit countries) before arriving at his or her destination country, the United States.

3.22 Unaccompanied Child

An unaccompanied child is a minor who has no lawful immigration status in the United States, has not attained 18 years of age, has no parent or legal guardian in the United States, or has no parent or legal guardian in the United States who is available to provide care and physical

3.14 Nongovernmental Organization

Typically, an NGO is a non-profit organization on a local, national, or international scale that operates independently of government. Human trafficking task forces and HSI human trafficking groups work closely with local NGOs that provide victim services as well as with community organizations that can provide potential trafficking leads. Examples include legal aid organizations, refugee service providers, runaway and homeless youth shelters, migrant farmworker and domestic worker organizations, and faith-based institutions that assist victims of trafficking.

3.15 Peonage

Peonage is the use of laborers bound to servitude due to debt. 18 U.S.C. §§ 1581-1596; *see also* Section 3.10 (B) above.

3.16 Serious Harm

Under the forced labor statute, the term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm. 18 U.S.C. § 1589(c)(2).

3.17 Survivor

Term used to recognize the strength it takes to continue on a journey toward healing in the aftermath of a traumatic experience. (Note: This definition is derived from the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, 2013–2017*.) While “victim” carries a specific meaning within law enforcement, “survivor” is the preferred term of service providers.

3.18 T Nonimmigrant Status (T Visa)

As part of a victim-centered approach, the Group Supervisor of the investigating SA shall consider completing and signing the T visa declarations (USCIS Form I-914 Supplement B) for victims who have assisted an HSI human trafficking investigation. The T visa allows eligible victims to temporarily remain and work in the United States, generally for four years. If certain conditions are met, an individual with T nonimmigrant status may apply for adjustment to LPR status after three years in the United States or upon completion of the investigation or prosecution, whichever occurs earlier. The annual statutory cap is 5,000 T visas. Fewer than 1,000 T visas have been approved annually since the inception of the T visa. 8 U.S.C. § 1101(a)(15)(T). (See HSI Handbook (HB) 18-01, T Nonimmigrant (T Visa) Status Handbook, dated January 13, 2018, or as updated.)

custody. See Homeland Security Act of 2002 § 462(g); 6 U.S.C. § 279(g); adopted by Trafficking Victims Protection Reauthorization Act (TVPRA) § 235(g). (Note: Not all unaccompanied children have been smuggled or trafficked.)

Chapter 4. RESPONSIBILITIES

4.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director (EAD) of HSI has the overall responsibility for the oversight of the policies and procedures set forth in this Handbook.

4.2 Assistant Director, Domestic Operations

The Assistant Director (AD), Domestic Operations, is responsible for approving undercover investigations involving the domestic transportation and release of UDAs that are limited in scope (see Section 10.1). The AD, Domestic Operations, in consultation with the Deputy Assistant Director (DAD), Transnational Crime and Public Safety Division (TCPSPD), is also responsible for resolving any disputes if the receiving Special Agent in Charge (SAC) does not concur with the release of UDAs within his or her area of responsibility (AOR) (see Section 10.3 (J)).

4.3 Deputy Assistant Director, Transnational Crime and Public Safety Division

The DAD, TCPSPD, is responsible for ensuring overall compliance with the provisions of this Handbook. In addition, the DAD, TCPSPD, will coordinate with the AD, Domestic Operations, to resolve any disputes if the receiving SAC does not concur with the release of UDAs within his or her AOR (see Section 10.3 (J)).

4.4 Unit Chief, Human Smuggling and Trafficking Unit

The Unit Chief, HSTU, has the overall responsibility for the implementation of the provisions of this Handbook.

4.5 Special Agents in Charge and Attachés

Special Agents in Charge (SACs) and Attachés are responsible for implementing the provisions of this Handbook within their respective areas of responsibility (AORs).

4.6 Group Supervisors

Group Supervisors are responsible for ensuring that the human smuggling and human trafficking related activities of the SAs they supervise, including reporting and case coding requirements, are in compliance with the provisions of this Handbook.

3.19 Trauma-Informed Approach

This approach recognizes how trauma affects victims' response to the criminal justice process and seeks to avoid victim retraumatization, increasing safety of all, and increasing the effectiveness and efficiency of interactions with victims. This includes victim-centered practices that place priority on the survivor's feelings of safety, choice, and control.

3.20 U Nonimmigrant Status (U Visa)

HSI signs U visa certifications (USCIS Form I-918 Supplement B) for victims who have assisted, are assisting, or will assist in the future with an HSI investigation for certain qualifying crimes, including human trafficking, as part of a victim-centered approach. The U visa allows eligible victims to temporarily remain and work in the United States, generally for four years. While in U nonimmigrant status, the victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity. If certain conditions are met, an individual with a U visa may apply for adjustment to LPR status after three years. 8 U.S.C. § 1101(a)(15)(U). (See HSI HB 18-06, U Nonimmigrant Status (U Visa) Handbook, dated September 21, 2018, or as updated.)

3.21 Unaccompanied Child

An unaccompanied child is a minor who has no lawful immigration status in the United States, has not attained 18 years of age, has no parent or legal guardian in the United States, or has no parent or legal guardian in the United States who is available to provide care and physical custody. (See the *William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008*, Pub. L. No. 110-457, § 235(g), 122 Stat. 5044.) (Note: Not all unaccompanied children have been smuggled or trafficked.)

Not later than 24 hours after an SA discovers that a minor or an unaccompanied child may be a victim of a severe form of trafficking, the SA will notify HHS and the CCHT Operations Unit as required by section 212 of the TVPRA of 2008. (See Section 9.10.)

3.22 Victim-Centered Investigation and Prosecution

Employing a victim-centered approach to investigations and prosecutions is an enforcement strategy shared by HSI, the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and the Department of Labor (DOL). The goal of a victim-centered investigation and prosecution is to focus the entire investigation and prosecution around the victim while minimizing any undue stress, harm, and trauma to the victim. Using this approach to investigations and prosecutions prioritizes victims' rights, safety, and interests first. It also minimizes retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice. This approach is key to a successful investigation. It requires coordinated access to

4.7 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

Chapter 5. HUMAN SMUGGLING STATUTES AND REFERENCES

The most commonly utilized criminal statutes when investigating human smuggling criminal activity are codified in Chapter 12 of Title 8 of the United States Code, entitled, “Immigration and Nationality.” This Chapter provides a brief summary of what each statute or subsection refers to in terms of the criminal committing the violation. SAs should consult with their local Office of the Chief Counsel (OCC) and U.S. Attorney’s Office (USAO) for a discussion of additional legal aspects of these or other related statutes.

8 U.S.C. § 1324 uses the term “alien smuggling.” Criminal organizations that violate the laws discussed in this Handbook are often called Human Smuggling Organizations (HSOs). (Note: For the purposes of this Handbook, the terms “alien smuggling” and “human smuggling” are used interchangeably.)

5.1 Statutes

5.1.1 8 U.S.C. § 1324 – Bringing in and Harboring Certain Aliens

This Section details the criminal penalties and elements of alien smuggling and accounts for the multiple individuals who may be involved in the scheme (e.g., foot guide, transporter, and harborer).

There are five distinct offenses that can be charged under 8 U.S.C. § 1324:

A. 8 U.S.C. § 1324(a)(1)(A)(i) – Bringing In

This section of the statute refers to the person who, knowing that a person is a UDA, brings or attempts to bring the UDA across the U.S. border.

B. 8 U.S.C. § 1324(a)(1)(A)(ii) – Transporting

This section of the statute refers to the person who, knowingly or in reckless disregard, transports or attempts to transport the UDA within the United States. The criminal need not know that the individuals are UDAs, but the circumstances dictate that the person should have known that the individuals entered the United States illegally and thus aided the violation.

an array of victim services to facilitate safety and healing. Access to victim assistance is not tied to prosecutorial decisions or outcomes.

3.23 Victim Service Providers

Victim service providers have an important role in the stabilization and long-term recovery of trafficking victims and often provide the following services: shelter, food, clothing, medical care, dental care, legal counsel, immigration assistance, mental health counseling, interpreter services, English language training, job skills training, and case management.

Chapter 4. AUTHORITIES/REFERENCES

4.1 Customs Officer and Immigration Officer Authorities

The Homeland Security Act of 2002, in conjunction with the Department of Homeland Security Reorganization Plan of November 25, 2002, and the Reorganization Plan Modification for the Department of Homeland Security of January 30, 2003, authorizes HSI SAs to perform the duties provided to them by law and regulation. Through this legal framework and corresponding delegation orders, the law enforcement authorities granted to customs officers (19 U.S.C. § 1589a and Title 19, Code of Federal Regulations (C.F.R.), Parts 161-162), and to immigration officers (8 U.S.C. § 1357 and 8 C.F.R. § 287.5) were transferred to HSI SAs, authorizing them to perform a number of duties, including, but not limited to, conducting investigations of offenses against the United States; conducting searches without warrant at the border, its functional equivalent, or the extended border; conducting inquiries related to immigration status and removability; executing and serving search or arrest warrants; serving subpoenas and summonses; administering oaths; making arrests without warrant; requiring and receiving information relating to offenses; and bearing firearms.

4.2 Human Trafficking Related Statutes

A. Trafficking Victims Protection Act (TVPA) of 2000 and all subsequent reauthorizations

- 1) 18 U.S.C. § 1589, Forced Labor
- 2) 18 U.S.C. § 1591, Sex Trafficking of Children OR by Force, Fraud or Coercion
- 3) 18 U.S.C. § 1592, Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor (aka Document Servitude)
- 4) 18 U.S.C. § 1594, Attempt/Conspiracy
- 5) 18 U.S.C. § 1597, Unlawful Conduct Regarding Immigration Documents

C. 8 U.S.C. § 1324(a)(1)(A)(iii) – Harboring

This section of the statute refers to the person who, knowingly or in reckless disregard, provides or attempts to provide a location where a UDA can remain to assist him or her from detection.

D. 8 U.S.C. § 1324(a)(1)(A)(iv) – Encouraging

This section of the statute refers to the person who encourages or induces a UDA to come, enter, or reside in the United States knowing or in reckless disregard that such entry will be in violation of law.

E. 8 U.S.C. § 1324(a)(1)(A)(v) – Conspiring or Aiding and Abetting

This section refers to the person whose assistance and cooperation was integral to the execution of any criminal activity described in Subsections A, B, C, and D.

The maximum penalties for human smuggling are listed in 8 U.S.C. § 1324(a)(1)(B). SAs should consult with their local USAO on a case-by-case basis to determine how the individual's criminal history or other aggravating factors could impact sentencing.

5.1.2 8 U.S.C. § 1327 – Aiding or Assisting Certain Aliens to Enter

This statute refers to any person who facilitates the entry into the United States of a UDA, knowing that the UDA was previously convicted in the United States of an aggravated felony or a crime involving national security.

5.1.3 8 U.S.C. § 1328 – Importation of Alien for Immoral Purpose

This statute refers to any person who smuggles aliens into the United States for the purposes of prostitution.

5.2 References

- A. Intelligence Reform and Terrorism Prevention Act of 2004.
- B. Department of Justice (DOJ), “*Human Rights and Special Prosecution Section*,” dated September 12, 2012, or as updated <http://www.justice.gov/criminal/hrsp/>.
- C. “DHS Blue Campaign: Trafficking vs. Smuggling Brochure and Checklist” (undated).
- D. U.S. Customs and Border Protection (CBP) and ICE Policy, “Controlled Deliveries, Cold Convoys, and Pass-Through Operations at Ports of Entry,” dated February 18, 2010, or as updated.

B. Labor and fraud offenses

- 1) Title 18, Chapter 63, Fraud Offenses
- 2) 18 U.S.C. § 1351, Fraud in Foreign Labor Contracting
- 3) 29 U.S.C. §§ 207, 215, 216, Fair Labor Standards Act

C. Prostitution related offenses charged with or in lieu of 18 U.S.C. § 1591 (Sex Trafficking)

1) Adults

- a) 18 U.S.C. § 2421, Interstate transportation for prostitution
- b) 18 U.S.C. § 2422(a), Interstate coercion and enticement into prostitution

2) Minors

- a) 18 U.S.C. § 2423(a), Transportation of Minors with Intent to Engage in Criminal Sexual Activity
- b) 18 U.S.C. § 2423(b), Travel with Intent to Engage in Illicit Sexual Conduct
- c) 18 U.S.C. § 2422(b), Interstate Coercion and Enticement into Prostitution
- d) 18 U.S.C. § 1952, Interstate and Foreign Travel or Transportation in Aid of Racketeering

D. Transnational Child Sex Offenders

- 1) 18 U.S.C. § 1596, Extraterritorial jurisdiction
- 2) 18 U.S.C. § 2423(a), Transportation with intent to engage in criminal sexual activity
- 3) 18 U.S.C. § 2423(b), Travel with intent to engage in illicit sexual conduct
- 4) 18 U.S.C. § 2423(c), Engaging in illicit sexual conduct in foreign places

E. Child Pornography

- 1) 18 U.S.C. § 2251(a), Sexual exploitation of children

- E. ICE Directive 10071.1, “Victim Assistance Program,” dated August 25, 2011, or as updated.
- F. ICE Delegation Number 0001 entitled, “Delegation of Authority to the Directors, Detention and Removal and Investigations, and to Field Office Directors, Special Agents in Charge and Certain Other Officers of the Bureau of Immigration and Customs Enforcement,” dated June 6, 2003, or as updated.
- G. Detention and Removal Operations (DRO)/Office of Investigations (OI) memorandum, “DRO/OI Protocols and Handling Unaccompanied Alien Children,” dated October 1, 2007, or as updated.
- H. HSI “Human Smuggling Strategy,” dated January 2015, or as updated.
- I. HSI memorandum, “Role & Responsibilities of Field Coordinators in Support of the S-Nonimmigrant Visa (S-Visa) Program,” dated July 19, 2010, or as updated.
- J. HSI Memorandum, “Domestic and International Undercover Alien Smuggling Investigations,” dated March 23, 2012, or as updated.
- K. OI memorandum, “Interim Policy and Guidelines for Immediate Assumption of Significant Public Benefit Parole Responsibilities,” dated August 8, 2006, or as updated.
- L. OI memorandum, “Accountability of U.S. Immigration and Customs Enforcement (ICE) Significant Public Benefit Paroles,” dated June 27, 2006, or as updated.
- M. Financial Investigations Handbook (HSI Handbook (HB) 14-03), dated May 13, 2014, or as updated.
- N. Cyber Crimes Investigations Handbook (HSI HB 11-03), dated August 9, 2011, or as updated.
- O. Case Management Handbook (OI HB 08-02), dated February 1, 2008, or as updated.
- P. “HSTU TECS CODES Spreadsheet,” dated January 28, 2013, or as updated.
- Q. “ECT Brochure,” dated November 2012, or as updated.
- R. “Illicit Pathways Attack Strategy (IPAS) Brochure,” dated December 2012, or as updated.
- S. “Project Stamp Brochure,” dated May 2012, or as updated.
- T. “Extraterritorial Criminal Travel Strike Force Expansion and Institutionalization” (undated).

- 2) 18 U.S.C. § 2252(b), Certain activities relating to material involving the sexual exploitation of minors

F. Immigration and Visa Fraud Offenses

- 1) 8 U.S.C. § 1324, Alien Smuggling
- 2) 18 U.S.C. § 1546, Visa Fraud
- 3) 8 U.S.C. § 1328, Importation for Prostitution

G. Financial Offenses

- 1) 18 U.S.C. §§ 1596, 1597, Money Laundering
- 2) 18 U.S.C. § 1956(h), Conspiracy to violate §§ 1956 and/or 1957
- 3) 18 U.S.C. § 1960, Prohibition of unlicensed money transmitting businesses
- 4) 31 U.S.C. § 5324, Structuring transactions to evade reporting requirement prohibited
- 5) 18 U.S.C. § 981, Civil Forfeiture
- 6) 18 U.S.C. § 982 Criminal Forfeiture

H. Drug Trafficking Offenses

- 1) 21 U.S.C. § 841, Distribution of and Possession with Intent to Distribute a Controlled Substance
- 2) 21 U.S.C. § 844, Simple Possession of a Controlled Substance
- 3) 21 U.S.C. § 846, Attempt and Conspiracy
- 4) 21 U.S.C. § 856, Maintaining Drug Involved Premises

I. Obstruction

- 1) 18 U.S.C. § 1591(d), Obstructing Enforcement of Sex Trafficking of Children OR by Force, Fraud or Coercion
- 2) 18 U.S.C. § 1592(c), Obstructing Enforcement of Unlawful Conduct with Respect to Documents in Furtherance of Trafficking

U. “Proposal to Enhance the ECT Strike Force” (undated).

V. Domestic and International Undercover Alien Smuggling Investigations Approval Guidance Chart (see Appendix A).

Chapter 6. HUMAN SMUGGLING INVESTIGATIVE GUIDANCE

Human smuggling is a transnational crime committed by violators whose ultimate goal is to make a financial profit. UDAs choose to enter other countries illegally for many reasons, such as religion, politics, employment, and/or education. In some cases, a UDA will enter into an agreement with a smuggler to illegally enter the United States. The human smuggler will in turn determine a set fee depending on the method or route used by the HSO or the individual. HSOs vary by the nationality of aliens smuggled, size of organization, levels of hierarchy, and sophistication of their method of operation.

HSOs operate by establishing a network that facilitates the undetected movement of UDAs from source countries through transit countries with the ultimate goal of successfully entering the United States in violation of U.S. law.

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HSOs are ever-changing in their level of sophistication and have become increasingly violent by engaging in kidnapping, extortion, assault, and rape. Some of these activities have even resulted in the death of UDAs.

6.1 Accomplishing the Mission

HSI’s mission can be accomplished domestically and internationally by pursuing, identifying, investigating, disrupting, and dismantling HSOs in the United States and in transit countries, and by:

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- 3) 18 U.S.C. § 1597(c), Obstructing Enforcement of Unlawful Conduct Regarding Immigration Documents

J. Other relevant offenses

- 1) 18 U.S.C. § 2, Aiding and Abetting
- 2) 18 U.S.C. § 4, Misprision of Felony
- 3) 18 U.S.C. § 371, Conspiracy
- 4) 18 U.S.C. § 1201, Kidnapping
- 5) 8 U.S.C. § 1325, Improper Entry by Alien
- 6) 18 U.S.C. § 1596, Extraterritorial jurisdiction
- 7) 18 U.S.C. § 1962, Prohibited Activities; 18 U.S.C. § 1963, Criminal Penalties (aka Racketeer Influenced and Corrupt Organization (RICO))
- 8) 19 U.S.C. § 1307, Convict-Made Goods; Importation Prohibited

K. Rarely, if ever, used statutes

- 1) 18 U.S.C. § 1581, Peonage; Obstruction of Enforcement
- 2) 18 U.S.C. § 1582, Vessels for Slave Trade
- 3) 18 U.S.C. § 1583, Enticement into Slavery
- 4) 18 U.S.C. § 1584, Sale into Involuntary Servitude
- 5) 18 U.S.C. § 1585, Seizure, Detention, Transportation or Sale of Slaves
- 6) 18 U.S.C. § 1586, Service on Vessels in Slave Trade
- 7) 18 U.S.C. § 1587, Possession of Slaves Aboard Vessel
- 8) 18 U.S.C. § 1588, Transportation of Slaves from United States
- 9) 18 U.S.C. § 1593A, Benefiting Financially from Peonage, Slavery and Trafficking in Persons

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6.2 Identifying Human Smuggling Organizational Structures

HSOs can vary in several ways, including the number of co-conspirators, operating structure, financial structure, areas of operation, and nationality of the aliens the organization smuggles.

Human smuggling operations can be as small as an individual operating independently or as large as an organization. The individual or organization provides a guide, transportation, and temporary housing for aliens at points along the journey and/or once they arrive in the United States. HSOs are more organized in that they have defined roles for each member and a clear chain of command. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

HSOs generally have the following operating structure:

A. Head of the Organization

The head of the organization is responsible for the oversight of the operation; he or she maintains continuous communication and coordinates the criminal activity with co-conspirators. This person shares in a major portion of the profits of the operation and, in many instances, escapes prosecution because he or she seldom participates directly in the actual smuggling activity.

B. Recruiters

The recruiters are the persons who are usually located outside the United States and are responsible for identifying aliens seeking to be smuggled into the United States. Recruiters are generally paid according to the number of UDAs who are successfully smuggled into the United States.

4.3 References

- A. ICE Directive 10036.2, Implementation of Section 1367 Protections for Noncitizen Victims of Crime, dated March 16, 2022, or as updated.
- B. ICE Directive 11005.3, Using a Victim-Centered Approach with Noncitizen Crime Victims, dated August 3, 2021, or as updated.
- C. HSI Directive 21-05, Federal Victim Assistance Mandates and Responsibilities, dated October 19, 2021, or as updated.
- D. HSI Directive 21-03, Continued Presence, dated February 26, 2021, or as updated.
- E. HSI HB 20-07, Child Sexual Exploitation Investigations Handbook, dated November 24, 2020, or as updated.
- F. HSI HB 20-04, Case Management Handbook, dated July 1, 2020, or as updated.
- G. HSI HB 18-06, U Nonimmigrant Status (U Visa) Handbook, dated September 21, 2018, or as updated.
- H. HSI HB 18-01, T Nonimmigrant Status (T Visa) Handbook, dated January 13, 2018, or as updated.
- I. HSI HB 14-03, Financial Investigations Handbook, dated May 13, 2014, or as updated.
- J. Office of Investigations (OI) HB 08-04, Undercover Operations Handbook, dated April 14, 2008, or as updated.
- K. "Interagency Memorandum of Understanding between the Department of Health and Human Services, the Department of Homeland Security, and the Department of Justice," dated July 12, 2004, or as updated.

Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI is responsible for the oversight of the policy and procedures set forth in this Handbook.

C. Guides

Guides, often referred to as “coyotes,” are the persons responsible for leading individual(s) illegally across the U.S. border. The guides are usually present for the border crossing but depart from the United States after delivering the UDAs to a designated location near the border. In some cases, there may be multiple sets of guides, for example one on each side of the border. In many instances, if guides are apprehended, they will attempt to assume the role of smuggled aliens.

D. Transporter

The transporter, often referred to as “the driver,” is the person who conveys aliens from one location to another in furtherance of the aliens’ illegal entry into the United States. Transporters often pick up UDAs at staging locations and transport them to drop houses in the United States. Transporters can use multiple types of conveyances, such as pickup trucks, vans, cars, boats, and tractor trailers to transport the UDAs. Alien smuggling offenses are not restricted to the time period immediately after entry.

E. Drop House Operators

A drop house operator is responsible for maintaining the drop house location(s) along the U.S. border and in interior U.S. cities, as well as running all facets of the drop house operations. The responsibilities of a drop house operator include, but are not limited to, detaining and maintaining the UDAs in the drop house until receipt of the smuggling fees, hiring and paying the guides and drivers, and coordinating travel arrangements to the next or final destination of the UDAs. The drop house operators also work with money collectors to coordinate the collection of smuggling fees or to collect money for themselves. The drop house operators also ensure that the UDAs are fed and that they do not leave the location until the smuggling fee is paid.

F. Facilitators

Most large HSOs obtain the assistance of facilitators. Facilitators are often individuals with lawful immigration or citizenship status (e.g., lawful permanent resident or U.S. citizen). Facilitators are responsible for renting properties to be used as drop houses in the United States, renting or purchasing means for transporting UDAs, obtaining cellular telephones, and recovering seized vehicles from impound lots. Some facilitators are hired for the purpose of providing false documents, which can be genuine, counterfeit, or altered documents.

G. Money Couriers

Most large HSOs include money couriers. Money couriers are responsible for collecting alien smuggling fees (b)(7)(F)

5.2 Assistant Director, Countering Transnational Organized Crime

The Assistant Director, Countering Transnational Organized Crime, is responsible for the oversight of the implementation of the provisions of this Handbook within HSI.

5.3 Director, Center for Countering Human Trafficking

The CCHT Director is responsible for coordinating the overall HSI, ICE, and DHS response to countering human trafficking.

5.4 Unit Chief, CCHT Operations Unit

The CCHT Operations Unit Chief is responsible for the implementation of the provisions of this Handbook within HSI. More specifically, the CCHT Operations Unit Chief is responsible for programmatic oversight of all HSI investigative activities associated with human trafficking investigations. (See also Section 7.4.)

5.5 Unit Chief, Victim Assistance Program/Management Oversight Unit

The Unit Chief, Victim Assistance Program/Management Oversight Unit (VAP/MOU), is responsible for oversight of the Victim Assistance Program (VAP), including training, technical assistance, and support to Victim Assistance Specialists (VASs) and FISSs, as well as HSI's T and U visa programs.

5.6 Unit Chief, Parole and Law Enforcement Programs Unit

The Unit Chief, Parole and Law Enforcement Programs Unit (PLEPU), oversees the adjudication of requests to parole noncitizens into the United States to provide a significant public benefit to the U.S. Government, along with being the HSI Headquarters (HQ) point of contact (POC) for all S visa and witness security matters. This includes Significant Public Benefit Paroles (SPBPs) for any witnesses and certain family members of trafficking victims on CP.

5.7 Special Agents in Charge and Attachés

Special Agents in Charge (SACs) and Attachés are responsible for implementing the provisions of this Handbook within their respective areas of responsibility (AORs).

5.8 Group Supervisors

Group Supervisors are responsible for ensuring that SAs and other personnel assigned to their Human Trafficking Groups comply with the provisions of this Handbook, including reporting and case coding requirements.

(b)(7)(E)

(Note: Smugglers may perform one or more of the above roles at any given time. For instance, during the course of an investigation, a drop house may be discovered and the harbinger may be arrested. Therefore, the criminal organization may require that a transporter or guide take on the role of the harbinger.)

6.3 Developing Targets

SAs should consider several factors in the development of a target. Some of the common factors include, but are not limited to, the following:

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6.3.1 Resources for Target Development

During target development, SAs are likely to receive information concerning HSOs and allegations that certain individuals are actively engaged in the smuggling of aliens into the United States. While considering the above factors, SAs should

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5.9 Special Agents

SAs who conduct human trafficking investigations are responsible for complying with the provisions of this Handbook, including:

- A. Representing HSI in any established human trafficking task force;
- B. Prioritizing cross-border and forced labor investigations;
- C. Conducting proactive human trafficking investigations;
- D. Requesting that a VAS be available to assist victims identified in the operation and during the initial interview of victim(s), as needed;
- E. Requesting an FIS for forensic interviews, as needed;
- F. Establishing or working within established relationships with community organizations, NGOs, worker organizations, low wage industries, and local and state labor agencies to proactively identify leads for labor trafficking and sex trafficking;
- G. Requesting CP and seeking requisite HSI signatures for T visa declarations and U visa certifications as part of a victim-centered approach that benefits victims and the investigation;
- H. Providing a trafficking victim with reasonable protection from a suspected offender and associates;
- I. Completing a Victim Report of Investigation (ROI) for each victim identified in addition to the investigative ROI; and
- J. Conducting focused outreach with the objective of mitigating trafficking by engaging key industries and raising public awareness to recognize and report trafficking indicators;

5.10 Victim Assistance Specialists

VASs are responsible for:

- A. Accompanying SAs on-scene and to victim interviews to provide assistance and support to crime victims, as requested;
- B. Notifying trafficking victims of the crime victims' rights to which they are entitled under 34 U.S.C. § 20141;

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6.3.2 Assistance from U.S. Customs and Border Protection

SAs should seek assistance from the CBP Office of Field Operations (OFO) and Office of Border Patrol (OBP) in human smuggling investigations when necessary. OBP utilizes various resources to combat human smuggling that may be useful to HSI SAs during their investigations of HSOs. Resources utilized

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6.3.3 Smuggled Undocumented Aliens

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6.4 Investigating Human Smuggling

When conducting a human smuggling investigation, SAs should try to:

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- C. Providing identified victims with information about services available to them at the earliest opportunity after detection of a crime without interfering with an investigation;
- D. Acting as a liaison between the victim and HSI throughout the course of the investigation to explain the criminal justice system;
- E. Preparing only, not signing, any CP requests, T visa declarations, and U visa certifications and tracking completions; and
- F. Assessing victims' needs and working in close collaboration with SAs and FISs to integrate victim assistance considerations from the beginning and throughout the duration of the criminal case and coordinating victim assistance efforts with appropriate state and local officials and victim assistance and compensation providers

5.11 Forensic Interview Specialists

FISs are responsible for:

- A. Conducting forensic interviews of trafficking victims upon request by an SA;
- B. Working in collaboration with SAs, VASs, and Victim Assistance Coordinators (VACs) on case coordination, operational planning, and case consultation, where appropriate; and
- C. Obtaining statements from victims in a developmentally sensitive, trauma-informed manner which minimizes additional trauma to victims in sensitive HSI investigative cases.

5.12 Criminal Analysts

Criminal Analysts who support human trafficking organizations are responsible for complying with the provisions of this Handbook and with HSI HB 21-01, Criminal Analysis Handbook, dated September 13, 2021, or as updated, including:

- A. Proactively supporting human trafficking investigations;
- B. Coordinating with external resources, as needed;
- C. Complying with the HSI Framework for Criminal Analysis and innovating new methodologies within the Framework;
- D. Producing applicable Reports of Analysis (ROAs) consistent with the Criminal Analysis Handbook; and
- E. Electronically posting ROAs in the HSI (b)(7)(E) document library.

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6.5 Responding to Human Smuggling Incidents

When responding to a human smuggling incident, SAs shall:

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5.13 Office of the Principal Legal Advisor

Office of the Principal Legal Advisor (OPLA) attorneys embedded within HSI are available as needed to answer legal questions that arise in the course of criminal investigations. OPLA's Human Rights Violator Law Division (HRVLD) is available to provide legal advice, training, and technical assistance on human trafficking, federal victim assistance, CP, T visas, and U visas. OPLA's ICE Ethics Office should be contacted regarding ethics issues involving interactions with NGOs such as offers of tangible items to provide to victims or letters of support for grant applications.

Chapter 6. HUMAN TRAFFICKING FUNDAMENTALS

6.1 Human Trafficking, Generally

Human traffickers compel others into labor or commercial sex. Worldwide, an estimated 25 million people are either in forced labor or sex trafficking: 80 percent in forced labor and 20 percent in sex trafficking, according to the International Labour Organization. Human trafficking is involuntary, a crime against a person, exploitation-based, and does not require crossing a border. Most human trafficking occurs entirely within the United States, while some individuals are moved across international borders unaware that they will become trafficking victims.

There is no single profile of a victim or a trafficker. Both traffickers and victims can be of any age, race/ethnicity, sex, gender identity, nationality, immigration status, cultural background, socio-economic class, and education attainment level.

6.2 Human Smuggling versus Human Trafficking

Human smuggling and human trafficking are often conflated although the actual statutory definitions of the two crimes demonstrate that they are separate and distinct. (See Chapter 8 for statutory language.)

Human trafficking is a crime against a person, compelling an individual into labor or commercial sex through the use of force, fraud, or coercion. However, force, fraud, or coercion is not required for anyone under the age of 18 engaged in commercial sex. Trafficking is involuntary, does not require the crossing of a border, and often may involve transportation, but this is not an element of the crime.

Human smuggling is transportation-based, differing from human trafficking, which is exploitation-based. Human smuggling is a crime involving deliberate evasion of immigration laws, with a nexus to the border. 8 U.S.C. § 1324 (Bringing In and Harboring Certain Aliens) involves the facilitation and transportation of people into the United States by deliberately evading U.S. immigration laws. This offense includes bringing noncitizens into the United States and unlawfully transporting and/or harboring noncitizens within the United States.

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6.5.1 Encountering Unaccompanied Children in Human Smuggling Investigations

HHS is responsible for the care and custody of unaccompanied children, including responsibility for detention where appropriate. SAs shall contact the Enforcement and Removal Operations (ERO) Field Office Juvenile Coordinator (FOJC) in their AOR upon encountering an individual who claims to be an unaccompanied child or the SAs suspect is an unaccompanied child, or where it cannot be determined within the 72-hour period that the unaccompanied child is a victim of human trafficking as outlined in Section 9.7 of this Handbook. The SA must also contact DUCS by calling the 24-hour DUCS Intake Hotline at (b)(7)(E) and emailing (b)(7)(E) with the information about the unaccompanied child.

The ERO FOJC is responsible for coordinating the actual placement of juveniles with ORR. Prior to transferring the juvenile into the custody of DUCS, the juvenile shall be served with an appropriate removal charging document (e.g., Notice to Appear (Department of Homeland Security (DHS) Form I-862) or Notice of the Intent/Decision to Reinstate Prior Order (DHS Form I-871)) under section 240 of the INA. SAs should continue to investigate whether or not the unaccompanied child is a crime victim. If it is determined that the unaccompanied child is in fact a crime victim, SAs should follow the procedures stated in Section 9.7 (F) of this Handbook.

(Note: For further policy guidance pertaining to the handling of unaccompanied children by ERO and HSI, see the DRO/OI memorandum entitled, “DRO/OI Protocols and Handling Unaccompanied Alien Children,” dated October 1, 2007, or as updated. See also Appendix B, “Alien Tracking Sheet,” and Appendix C, “Interview Questions for Human Smuggling Investigations.”)

(Note: The above steps are not exhaustive. SAs should use their knowledge and judgment as situations arise.)

Chapter 7. EXTRATERRITORIAL CRIMINAL TRAVEL STRIKE FORCE AND ILLICIT PATHWAYS ATTACK STRATEGY

7.1 Extraterritorial Criminal Travel Strike Force

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Both crimes can be charged in a single case if a victim was first smuggled into the United States and then subjected to forced labor or sex trafficking. (b)(7)(E)

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(b)(7)(E) There have also been cases where individuals were smuggled into the United States and were then forced to remain at a safe house to clean, cook, and engage in commercial sex as other migrants transited through. As HSI is in the best position to uncover this hidden human trafficking within what appears to be smuggling, SAs should (b)(7)(E)

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6.3 Human Trafficking is NOT...

- A. Prostitution. Prostitution is often conflated with sex trafficking. However, under current U.S. law prostitution and sex trafficking are distinct crimes. U.S. law requires the element of force, fraud, or coercion for a commercial sex act to be considered trafficking. An important exception involves the sex trafficking of minors (anyone under the age of 18), in which case force, fraud, or coercion is not required to prove sex trafficking.
- B. Harsh working conditions. If an individual is subjected to harsh working conditions—such as not being properly compensated or being required to work long hours without breaks in violation of federal, state, or local labor laws—but is able to quit the job without punishment or threat of punishment, the individual is not a trafficking victim. (b)(7)(E)
- C. Hostage for ransom. If an individual is held hostage or held for ransom and abused—that is, someone who paid to be smuggled into another country is held captive and raped or tortured until they pay a ransom or a smuggling fee—but is not in a situation of forced labor or commercial sex, the individual is not a trafficking victim.
- D. “Mail-order brides.” Marriage through international marriage brokers does not automatically constitute trafficking. If a “mail-order bride” is assaulted or otherwise mistreated but is not exploited for a commercial benefit, she is not a trafficking victim. If, however, she finds herself forced into commercial sex or placed in a situation of involuntary domestic servitude, she is a trafficking victim.
- E. Illegal adoption. Illegal adoption, including the kidnapping or buying or selling of a child for the purpose of offering that child for adoption, is not a form of human trafficking under U.S. law.

(b)(7)(E)

F. **Organ trafficking.** Although part of the United Nations (UN) Protocol, U.S. law does not consider the trade in human organs to be human trafficking.

G. **Distribution and possession of child pornography.** Distribution and possession of child pornography—while criminally prohibited—are not acts of human trafficking. Producing child pornography may constitute human trafficking if a child is induced to perform a commercial sex act while producing the pornography.

H. **Forced marriage.** A forced marriage takes place without the full and free consent of one or both people to the union. Under U.S. federal law, forced marriage is not human trafficking.

6.4 Intersection of Human Trafficking with Other Illicit Activity

Criminal organizations have incorporated human trafficking among their other illicit activities, making efficient use of their existing infrastructure, resources, networks, and markets, and adjusting or combining their illicit activities based on profit and risk considerations. Human trafficking cases may have a nexus to drugs, gangs, human smuggling, commercial sexual exploitation of children, document fraud, labor exploitation, and money laundering. HSI SAs investigating human trafficking need to (b)(7)(E)

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6.5 Industries Where Investigations Uncovered Human Trafficking

Human trafficking occurs in both legal and illegal industries and may intersect with other criminal activity. This information may be helpful for situational awareness, prioritization of outreach efforts, and the targeting of proactive investigations.

FORCED LABOR	SEX TRAFFICKING
Farms	Escort services
Domestic work	Cantinas
Factories	Massage parlors
Fishing	Modeling agencies
Restaurants	Strip clubs
Forestry and logging	Street prostitution
Construction	Karaoke bars
Childcare	Casinos
Elder care	Residential brothels
Nail salons	Hotels
Janitorial services	Truck stops
Surrogacy	

(b)(7)(E)

(b)(7)(E)

7.2 Illicit Pathways Attack Strategy

The IPAS is HSI's internal implementation plan to support the Transnational Organized Crime (TOC) Strategy which was revised by the National Security Council in 2011.

The IPAS is built upon the following four core principles:

- A. Working with counterparts to investigate, identify, disrupt, and dismantle transnational criminal organizations prior to their illicit activities reaching U.S. borders;
- B. Prioritization of networks and pathways posing the greatest threats;
- C. Robust interagency engagement; and
- D. A coordinated regional approach that leverages foreign partners.

HSI designed the IPAS to build, balance, and integrate its authorities and resources, both domestic and foreign, in a focused and comprehensive manner to target, disrupt, and dismantle transnational organized crime. As recognized in the TOC Strategy, resources are not limitless. Therefore, targets must be prioritized in a systematic manner. The IPAS provides a methodology and mechanism for HSI to prioritize threats and vulnerabilities within its mission and to coordinate its own efforts internally and within the interagency framework. HSTU is responsible for designating a case as an IPAS investigation based on established criteria.

(b)(7)(E)

Chapter 7. HSI'S HUMAN TRAFFICKING MISSION, APPROACH, AND OUTREACH

7.1 Mission

HSI's two-fold human trafficking mission is to:

- A. Employ a victim-centered approach where equal value is placed on the identification and stabilization of victims as well as on the deterrence, investigation, and prosecution of traffickers, and
- B. Proactively identify, disrupt, and dismantle cross-border human trafficking organizations and minimize the risk they pose to national security and public safety.

7.2 Approach

HSI's approach to combatting human trafficking is rooted in the 4Ps – prevention, protection, prosecution, and partnership:

- A. *Prevention* – Through the HSI Strategic Targeted Outreach Program (S.T.O.P.), HSI field offices provide outreach to domestic and foreign law enforcement, NGOs, private industries, and other entities to increase awareness of human trafficking and promote reporting of suspected trafficking to law enforcement.
- B. *Protection* – HSI employs a victim-centered approach where equal value is placed on the identification and stabilization of victims, as well as on the deterrence, investigation, and prosecution of the traffickers. HSI SAs work closely with victim assistance personnel to ensure that survivors can be safe and that their situation can be stabilized.
- C. *Prosecution* – HSI leverages its broad criminal and immigration authorities to further investigations and bring traffickers to justice. HSI coordinates with federal, state, and local law enforcement to ensure strong investigations for successful prosecutions.
- D. *Partnership* – Through its domestic footprint of over 200 offices, HSI participates in over 100 human trafficking task forces comprised of federal, state, local, and tribal law enforcement. HSI has a global footprint with multiple international offices in multiple countries which facilitates cooperation and collaboration with foreign law enforcement. HSI partners with the DHS Blue Campaign and NGOs to raise public awareness of human trafficking, generate investigative leads, and provide services to identified victims.

7.3 Strategic Targeted Outreach Program

S.T.O.P. replaced the Trafficking in Persons' outreach strategy. S.T.O.P. is an HSI-driven initiative designed to mitigate trafficking by engaging key industries and raising public

Chapter 8. HUMAN TRAFFICKING STATUTES AND REFERENCES

The most commonly used human trafficking criminal statutes are codified in Chapter 77 of Title 18 of the United States Code. SAs should consult their local OCC and USAO for a discussion of additional legal aspects relating to these statutes.

8.1 Statutes

8.1.1 18 U.S.C. § 1581 – Peonage; Obstructing Enforcement

This statute refers to the criminal who maintains custody of the victim, physically or psychologically, for the purposes of peonage (defined in Section 3.14). *See* 18 U.S.C. § 1581(a). This statute also refers to criminals who attempt to obstruct justice related to this crime. *See* 18 U.S.C. § 1581(b). The statute includes the corresponding penalty.

8.1.2 18 U.S.C. § 1584 – Sale into Involuntary Servitude

This statute refers to the criminal who maintains custody of the victim, physically or psychologically, for the purposes of involuntary servitude as defined in Section 3.11. *See* 18 U.S.C. § 1584(a). This statute also refers to criminals who attempt to obstruct justice in relation to this crime. *See* 18 U.S.C. § 1584(b). The statute includes the corresponding penalty.

8.1.3 18 U.S.C. § 1589 – Forced Labor

This statute refers to criminals who provide or obtain the labor of a person, or benefit from providing or obtaining such labor by means such as force or threats of force, serious harm or threats of serious harm, or abuse or threats of abuse. *See* 18 U.S.C. § 1589(a). The employer(s) who engage in the providing or obtaining of the labor can also be charged. *See* 18 U.S.C. § 1589(b). The statute includes the corresponding penalty.

8.1.4 18 U.S.C. § 1590 – Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor

This statute refers to criminals who knowingly recruit, harbor, transport, provide, or obtain by any means any person for forced labor.

8.1.5 18 U.S.C. § 1591 – Sex Trafficking of Children or by Force, Fraud, or Coercion

This statute refers to trafficking with respect to sex trafficking of a minor or of any person by force, fraud, or coercion. It also refers to anyone who benefits financially or receives anything of value from the sex trafficking of any person. *See* 18 U.S.C. § 1591(a). The statute also outlines the corresponding punishment for sex trafficking depending on the age of the victim. *See* 18 U.S.C. § 1591(b).

awareness to recognize and report trafficking. S.T.O.P. uses a multi-faceted approach to combat the widespread exploitation seen across 25 distinct typologies of industry.

The goals of this comprehensive initiative are accomplished by working in concert with appropriate ICE Directorates and Program Offices; DHS components; DOJ's Human Trafficking Prosecution Unit (HTPU); U.S. federal, state, local, and tribal law enforcement agencies (LEAs); foreign governments; and NGOs. The implementation of a unified initiative that operates effectively in the United States and abroad enables HSI to capitalize on the extensive depth of its investigative resources and expertise. Effective coordination with HSI Attaché Offices enables HSI to partner with foreign LEAs to further develop major investigations in this area.

S.T.O.P. Trafficking uses PowerPoint presentations, posters, and specific informational awareness pamphlets that are concise and effective and deliver HSI's consistent messaging of a victim-centered approach where equal value is placed on the identification and stabilization of victims, as well as on the deterrence, investigation, and prosecution of traffickers. All outreach engagements with the public and private sector should be referred to as a S.T.O.P. Trafficking outreach event. Quarterly reporting and Investigative Case Management (ICM) documentation remains the same. The outreach program code also remains the same: (b)(7)(E)

The primary components of this strategy are as follows:

- A. *Outreach*: SACs engage in an outreach campaign to: (1) educate state and local LEAs, private industries, and NGOs regarding HSI's expertise and role in human trafficking investigations; (2) explain the provision of CP, a short-term immigration relief for victims of trafficking; and (3) establish HSI as an LEA for human trafficking leads. HSI Attachés focus outreach efforts on NGOs and foreign LEAs to enhance their awareness and increase their efforts to combat human trafficking in source, transit, and destination countries.
- B. *Coordination*: SACs coordinate and deconflict human trafficking investigations with existing U.S. Attorney-led human trafficking task forces and DOJ Bureau of Justice Assistance (BJA)-funded state and local task forces. SACs and Attachés exchange information to identify and pursue the full scope of the criminal enterprise. HSI Attachés engage host government officials to enhance information exchange with the purpose of identifying and pursuing the full scope of the global criminal enterprise.
- C. *Coalition Building*: SAC offices develop and build on existing partnerships with federal, state, local, and tribal LEAs, private industries, and NGOs. The goal is to form long-term strategic relationships to foster the exchange of information and collaboration in conducting human trafficking investigations and provide appropriate victim services. HSI Attachés complement these efforts by establishing similar relationships in host countries.

8.1.6 18 U.S.C. § 1592 – Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor

This statute refers to criminals who knowingly destroy, conceal, remove, confiscate, or possess any actual or purported passports or other immigration document, or any other actual or purported government identification document of another person to further the trafficking of person(s). The statute includes the corresponding penalty.

8.1.7 18 U.S.C. § 1593A – Benefiting Financially from Peonage, Slavery, and Trafficking in Persons

This statute prohibits anyone from knowingly benefiting, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of 18 U.S.C. §§ 1581(a), 1592, or 1595(a), knowing or in reckless disregard of the fact that the venture has engaged in these acts by any means.

8.1.8 18 U.S.C. § 1594 – General Provisions

This statute refers to the punishment of persons who attempt to violate or conspire with another to violate specific sections of Title 18 of the U.S. Code. Punishment includes civil forfeiture.

Subsection (f) of this section relates to witness protection; specifically, any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection). *See* 18 U.S.C. § 1594(f).

8.1.9 Transportation for Illegal Sexual Activity and Related Crimes

The following statutes, codified in 18 U.S.C. Chapter 117, Transportation for Illegal Sexual Activity and Related Crimes, are often utilized in human trafficking investigations, because the elements of these statutes frequently align with fact patterns similar to human trafficking investigations. These statutes, commonly known as the “Mann Act,” are detailed under 18 U.S.C. §§ 2421-2423. In general, these statutes prohibit anyone from knowingly transporting or attempting to transport a person in interstate or foreign commerce, or in any territory or possession of the United States, with the intent that the person engage in prostitution or any sexual activity.

8.2 Human Trafficking Authorities/References

- A. Intelligence Reform and Terrorism Prevention Act of 2004.
- B. Trafficking Victim Protection Act (TVPA) of 2000 and all subsequent TVPA Re-Authorizations.
- C. “Interagency Memorandum of Understanding between the Department of Health and Human Services, the Department of Homeland Security, and the Department of Justice,” dated July 12, 2004, or as updated.

7.4 CCHT Operations Unit

The CCHT Operations Unit plays a critical role in ICE's mission to combat transnational human trafficking. To do so, it:

- A. Develops and implements enforcement strategies to address the threats presented by transnational human traffickers both domestically and internationally and participates in U.S. Government counter-trafficking enforcement initiatives.
 - B. Coordinates and collaborates with HSI field offices; DHS components; other federal agencies; NGOs; and state, tribal, local, and foreign law enforcement partners to address human trafficking.
 - C. Coordinates and collaborates with VAP and PLEPU in HSI and with Enforcement and Removal Operations (ERO) to implement a victim-centered approach across the agency.
 - D. Serves as a POC and advocate for HSI Human Trafficking Groups in field offices to obtain resources and for policy-related issues.
 - E. Funds certain operational expenses for human trafficking investigations.
 - F. Maintains resources on (b)(7)(E) and administers a listserv for all SAs assigned to human trafficking. (Note: (b)(7)(E))
- (b)(7)(E)

Chapter 8. MAKING A HUMAN TRAFFICKING CASE – POTENTIAL CHARGES AND EVIDENCE

Human traffickers engage in a wide range of criminal activity which results in numerous criminal statutes that may be applicable to hold them accountable. This Chapter presents the relative hierarchy of potential charges against traffickers, combinations of charges, and the type of evidence required to sustain them. SAs (b)(7)(E)

(b)(7)(E) SAs should consult OPLA's HRVLD (or OPLA's HSI Law Division (HSILD)) (b)(7)(E)

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8.1 Primary Human Trafficking Offenses

18 U.S.C. § 1589 (Forced Labor) and § 1591 (Sex Trafficking) form the basis of nearly every human trafficking prosecution. They carry significant sentences, including potential life

- D. DOJ, “*Human Trafficking Prosecution Unit*,” dated September 12, 2012, or as updated <http://www.justice.gov/crt/about/crm/htpu.php>.
- E. DOJ, “*Human Rights and Special Prosecution Section*,” dated September 12, 2012 <http://www.justice.gov/criminal/hrsp/>.
- F. “DHS Blue Campaign: ICE Efforts to Combat Trafficking in Persons-Fact Sheet,” dated November 1, 2011, or as updated.
- G. “DHS Blue Campaign: Trafficking vs. Smuggling Brochure and Checklist” (undated).
- H. “DHS/DHS Human Trafficking Initiative from Senior Counselor Hill” (undated).
- I. ICE Directive 10071.1, “Victim Assistance Program,” dated August 25, 2011, or as updated.
- J. HSI Directive 10075.1, “Continued Presence,” dated April 6, 2011, or as updated.
- K. DRO/OI memorandum, “DRO/OI Protocols and Handling Unaccompanied Alien Children,” dated October 1, 2007, or as updated.
- L. HSI memorandum, “Role & Responsibilities of Field Coordinators in Support of the S-Nonimmigrant Visa (S-Visa) Program,” dated July 19, 2010, or as updated.
- M. OI memorandum, “Interim Policy and Guidelines for Immediate Assumption of Significant Public Benefit Parole Responsibilities,” dated August 8, 2006, or as updated.
- N. OI memorandum, “Accountability of U.S. Immigration and Customs Enforcement (ICE) Significant Public Benefit Paroles,” dated June 27, 2006, or as updated.

Chapter 9. HUMAN TRAFFICKING INVESTIGATIVE GUIDANCE

HSI conducts human trafficking investigations to combat the criminal exploitation and victimization of persons regardless of the persons’ manner of entry into the United States, citizenship, or immigration status. Victims of human trafficking may have entered the United States lawfully only to be subjected to exploitation at a later time. Although HSI primarily focuses on the investigation of human trafficking violations involving foreign nationals (perpetrators or victims), SAs have the jurisdiction to also target trafficking investigations involving domestic victims with no international nexus. Different groups or individuals may be involved in different phases of the process, such as the recruitment of victims in foreign countries, their cross-border transportation, and their exploitation in the United States. The globalization of economic systems and developments in transportation and communication

sentences for sex trafficking and for forced labor where aggravating factors are present. They also carry mandatory restitution for victims. In all HSI human trafficking investigations, (b)(7)(E)

(b)(7)(E)

8.2 18 U.S.C. § 1589, Forced Labor

A.

(b)(7)(E)

1. Knowingly provides or obtains the labor or services of a person by

2. any one of, or by any combination of, the following means—

by means of *force, threats of force, physical restraint, or threats of physical restraint* to that person or another person;

by means of *serious harm or threats of serious harm* to that person or another person;

by means of the *abuse or threatened abuse of law or legal process*; or

by means of any *scheme, plan, or pattern* intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint

(b)(7)(E)

1) *By means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;*

(b)(7)(E)

technologies has also created enormous opportunities for organized smuggling and human trafficking. Just as human trafficking organizations (HTOs) have gained sophistication by adopting modern transportation infrastructure and global communication technologies, HSI and its law enforcement partners must evolve and collaborate more effectively to combat human trafficking that is affecting countries around the world.

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9.1 Indicators of Human Trafficking

The following are indicators of potential human trafficking situations:

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- 2) *By means of serious harm or threats of serious harm to that person or another person;*

Serious harm is defined as “any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.”

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9.2 HSI Trafficking in Persons Strategy

As part of HSI's continuing efforts to enhance its investigative capability to target human traffickers globally, HSI has developed a comprehensive strategy through which it will target criminal organizations and individuals engaged in trafficking in persons. The primary components of the Trafficking in Persons Strategy (TIPS) are outreach, coordination, and coalition building. In addition, HSI has partnered with state, local, federal, and international law enforcement components to develop universal strategies and investigative techniques to infiltrate HTOs and those involved in trafficking men, women, and children for the purpose of forced labor and forced commercial sex. The key objectives of this Handbook are to assist SAs in identifying HTOs, prioritizing investigations according to the degree of risk posed to national security and public safety, and coordinating investigations in order to dismantle HTOs and eliminate their ability to function and seize their illicit assets.

A. Outreach

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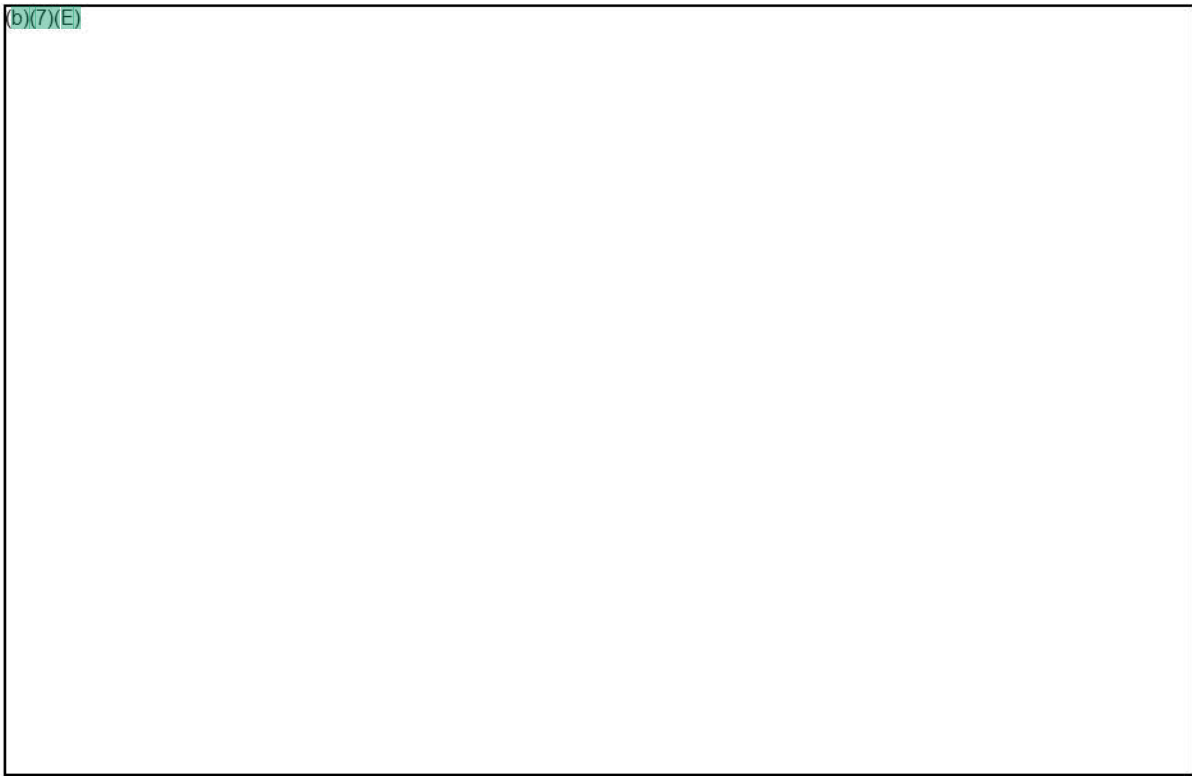
3) *By means of the abuse or threatened abuse of law or legal process; or*

The statute defines this as being an administrative, civil, or criminal law or legal process used in any manner or for any purpose for which the law was not designed in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

HSTU monitors and drives outreach efforts by requiring a quarterly outreach report to be submitted by SAC and Attaché offices. The reports consist of specific information regarding the NGOs, as well as content and frequency of contact.

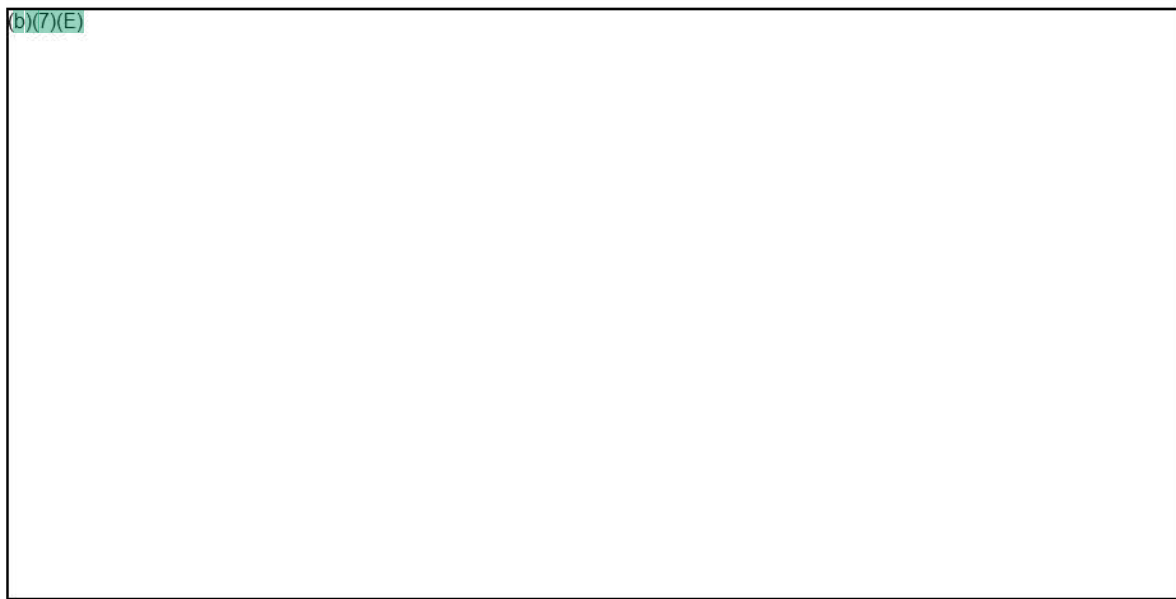
B. Coordination

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C. Coalition Building

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ABUSE OR THREATENED ABUSE OF THE LAW OR LEGAL PROCESS

Arrest

Reporting probation violation

Reporting violation to child protective services

Revoking work visa

Reporting violations of a work visa

Reporting overstaying a visa

Blacklisting an individual from future work visas

Deportation

SAs should

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- 4) *By means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.*

Courts have interpreted this fourth means as being the totality of the trafficker's conduct rather than one action. (b)(7)(E)

(b)(7)(E)

9.3 Sex Trafficking

Sex trafficking is a type of human trafficking in which the victim is induced to engage in commercial sex acts, as defined in 18 U.S.C. § 1591(e)(3), or in which the person induced to perform such acts has not attained 18 years of age. The primary purpose behind this form of trafficking is to generate profits through the sexual exploitation of the victims. In some cases, victims may have initially been willing participants but were subsequently coerced, threatened, or forced to remain in the situation. Victims are often forced to perform in various roles which can eventually lead to sexual exploitation. These roles include, but are not limited to, prostitution and working in adult entertainment establishments such as strip clubs, cantina bars, or private call services known as “deliveries.” However, it is important to keep in mind that, for a violation to be considered sex trafficking, the victims must be engaged in, or have offered to engage in, commercial sex acts.

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9.4 Labor Trafficking

Labor trafficking centers on the exploitation of a person’s production or ability to provide a service by means of force, fraud, or coercion. Similarly to sex trafficking, regardless of whether or not victims have a debt to be paid, victims are made to do manual labor or services thus generating profits for their exploiters. Slavery, peonage, debt bondage, and involuntary servitude fall under this form of labor trafficking and can involve work in areas such as agriculture, manufacturing, or service industries, such as domestic workers who work in-home, e.g., a maid or a caretaker.

9.5 Human Smuggling vs. Human Trafficking

Although trafficking victims are often found in sweatshops, service industries, residential homes (where they perform domestic work), agricultural labor, prostitution, or sex entertainment, they may be found anywhere in the United States doing anything that is profitable to their exploiters. Victims may not recognize that they have been victimized or may be forced into protecting their exploiters. As a result, self-identifying as a victim is not a requirement to be considered a victim of human trafficking. Both domestic and foreign victims are often lured into or within the United States with promises of legitimate employment, tourism, and educational opportunities, only to find themselves exploited in the commercial sex industry or in forced labor situations. Foreign victims find themselves in a foreign country and often they cannot speak the native language of the foreign country. Traffickers often take away the victims’ travel and identity documents and threaten victims by telling them that, if they attempt to escape, they or their families will be harmed or the victims’ families will assume the victims’ debt.

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It may be difficult to distinguish between smuggling and trafficking in the initial phase of the investigation.

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9.6 Understanding Force, Fraud, and Coercion

The following are some examples of force, fraud, or coercion:

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NON-TESTIMONIAL EVIDENCE OF FORCED LABOR

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B. Benefiting Financially from Forced Labor Under 18 U.S.C. § 1589(b)

1. Knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by:

Knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by:

2. any one of, or by any combination of, the following means—

by means of *force, threats of force, physical restraint, or threats of physical restraint* to that person or another person;

by means of *serious harm or threats of serious harm* to that person or another person;

by means of the *abuse or threatened abuse of law or legal process*; or

by means of any *scheme, plan, or pattern* intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint

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Tanya Jumroon, an Oregon restaurant owner.

From the press release:

“Tanya Jumroon, also known as Thunyarax Phatanakit Jumroon, 59, of Beaverton, Oregon, and a naturalized citizen originally from Thailand, pleaded guilty today in

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(b)(7)(E)

9.7 Responding to Trafficking Victims' Leads

The critical first steps in pursuing any human trafficking lead are the immediate rescue of any identified or potential victims from dangerous situations and the swift determination of any human trafficking indicators. When HSI receives a lead involving a potential human trafficking case or victim, SAs will proceed as follows:

a U.S. District Court in Portland, Oregon, to financially benefiting from forced labor, visa fraud conspiracy, and filing a false federal income tax return. . . . According to the defendant's plea agreement, admissions in court, and other court documents, between 2011 and 2014, the defendant, her then-husband, Paul Jumroon, and other associates fraudulently obtained E-2 visas to bring Thai nationals into the United States to provide cheap labor at two restaurants located in Lake Oswego, Oregon, and Ridgefield, Washington. The restaurants were owned and operated by the defendant and Jumroon at the time but have since been sold and are under new ownership.

Paul Jumroon used the fraudulently obtained E-2 visas to entice four forced labor victims to come to the United States from Thailand. After the victims arrived, Jumroon used inflated travel expenses, debt manipulation, threats of deportation, serious financial and reputational harm, verbal abuse, and control over identification documents, among other means, to compel them to work 12 hours a day, six to seven days a week, for minimal pay at the restaurants he co-owned and operated with the defendant. The defendant witnessed Paul Jumroon's mistreatment of two of the victims, and she benefited financially from the victims' forced labor at the restaurants."

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(b)(7)(E) DOL's annual report titled "List of Goods Produced by Child Labor or Forced Labor" which is maintained and updated online. The primary production sector is agriculture, followed by manufacturing and then mining. That means that the goods produced range from seafood, palm oil, cotton, cocoa, and coffee to garments, carpets, and electronics and to coltan, wolframite, gold, and diamonds. (b)(7)(E)

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C. 18 U.S.C. § 1590, Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor

Section 1590 makes it a crime to knowingly recruit, harbor, transport, provide, or obtain a person for labor or services for purposes of forced labor. Recruit, harbor,

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and transport are the three additions to what is available in § 1589 (Forced Labor),

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8.2.1 18 U.S.C. § 1591, Sex Trafficking of Children OR by Force, Fraud, or Coercion

A. Statutory Differences from Forced Labor

While portions of § 1589 (Forced Labor) and § 1591 (Sex Trafficking) are the same, there are a few distinctions to note:

- 1) Section 1589 (Forced Labor) requires that the trafficker knowingly provide or obtain, whereas Section 1591 (Sex Trafficking) has many more options, including that the trafficker knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits.
- 2) Section 1591 (Sex Trafficking) requires an interstate commerce nexus whereas Section 1589 (Forced Labor) does not.
- 3) Section 1589 (Forced Labor) has no explicit element of fraud (although fraud, if present, should be thoroughly presented as part of the plan, pattern, or scheme) whereas Section 1591 (Sex Trafficking) not only explicitly lists fraud as an element but can be proven entirely on the basis of fraud.
- 4) Section 1589 (Forced Labor) requires proof of coercion for both minors and adults; however, Section 1591 (Sex Trafficking) does not require proof of force, fraud, or coercion for minors, although, if proven, the sentencing is higher.
- 5) Also, Section 1589 (Forced Labor) has a 10-year statute of limitations whereas Section 1591 (Sex Trafficking) has none.

(Note: For further guidance and requirements, see the TVPRA and “The Interagency Memorandum of Understanding Between the Department of Health and Human Services, the Department of Homeland Security, and the Department of Justice,” dated July 12, 2004, or as updated.)

9.8 Victim-Centered Approach

The enormous profits generated by human trafficking have attracted the interest of organized crime organizations and led to the significant involvement of such organizations into criminal human trafficking ventures. Traffickers exploit impoverished and vulnerable individuals seeking a better life by offering false hopes of economic enrichment or, at the very least, economic opportunity and steady employment. Once ensnared by traffickers, victims are trapped in a world of fear, cruelty, and misery that is extremely difficult to escape. Traffickers use threats,

B. Sex Trafficking Under 18 U.S.C. § 1591(a)(1)

The statute breaks down into four elements under § 1591(a)(1):

1. In or affecting interstate or foreign commerce

2. Knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes or solicits by any means a person

3. Knowing or in reckless disregard

That means of force, threats of force, fraud, coercion or any combination of such means will be used to engage in

(Adult or child sex trafficking)

OR

The person has not attained the age of 18 years and will be caused to engage in

(Child sex trafficking)

4. A commercial sex act

1) *In or affecting interstate or foreign commerce*

To meet this element, SAs need to (b)(7)(E)

(b)(7)(E)

2) *Knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes or solicits by any means a person*

This element allows the statute to reach and hold accountable a wide range of criminal actors who are involved in facilitating sex trafficking. The majority of these are self-explanatory; however, SAs should take particular note that

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intimidation, and extreme violence to maintain control of their victims and force them to toil in the most inhumane of conditions.

The sexual or economic exploitation of children for human trafficking purposes is one of the most reprehensible crimes within the investigative purview of HSI. Due to the nature of this offense, trafficking situations require specialized procedures and skills to assist the victims, especially child victims. SAs should utilize the VAC or the VAS to ensure that the needs of the victims are met. (Note: Additional information regarding the roles and responsibilities of the VAC and VAS is provided in Section 13.9 of this Handbook and in ICE Directive 10071.1, “Victim Assistance Program,” dated August 25, 2011, or as updated.)

Victims of trafficking are statutorily eligible for significant benefits under the law. SAs must provide CP to all victims, regardless of the victims’ cooperation in the investigation. It should be indicated in the CP application whether or not the victim is cooperating but this should have no bearing on the victim’s eligibility for CP. Human trafficking investigations should reflect a victim-centered approach whereby the identification, rescue, and protection of the victim is a priority and equally important to prosecuting the violator(s). SAs should always seek prosecution of human traffickers and the seizure of all their assets.

9.9 Human Trafficking Computer-Based Training for Special Agents

The mandatory Computer-Based Training on Human Trafficking for SAs provides specialized training as part of the DHS Blue Campaign – DHS’ multi-faceted approach to combatting human trafficking which includes public awareness, training, victim assistance, and law enforcement investigations. The course provides an overview of human trafficking, reality-based case scenarios, and the appropriate response when an HSI employee encounters a human trafficking situation. All SAs are required to take this training one time. New SAs must take the course prior to the completion of their first year of employment.

Chapter 10. HUMAN SMUGGLING AND TRAFFICKING UNDERCOVER OPERATION AUTHORITY

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10.1 Authority

HSI is granted the authority to conduct undercover investigative operations under the auspices of the Homeland Security Act, 19 U.S.C. § 2081 and 8 U.S.C. § 1363a. (b)(7)(E)

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(b)(7)(E)

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3. *Knowing or in reckless disregard that means of force, threats of force, fraud, coercion or any combination of such means*

This element is substantially similar to the four prohibited means of 18 U.S.C. § 1589 (Forced Labor) §(b)(7)(E)

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finally with coercion whose definition encompasses three of the four prohibited means:

- 1) threats of serious harm to or physical restraint against any person;
- 2) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- 3) the abuse or threatened abuse of law or the legal process.

SAs should (b)(7)(E)

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SAs should (b)(7)(E)

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AND/OR

Knowing or in reckless disregard that the person has not attained the age of 18 years

No proof of force, fraud, or coercion is required because a minor is presumed to be unable to legally consent to commercial sex. Assistant U.S. Attorneys (AUSAs) in the SAs' AOR (b)(7)(E)

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For example, (b)(7)(E)

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The mandatory minimum sentence is 15 years if the minor was under the age of 14.

4. *And will be used to cause the person to engage in a commercial sex act*

A commercial sex act is defined as a sex act on account of which anything of value is given to or received by any person. Anything of value has been broadly interpreted to include shelter, gifts, clothing, trips, even paint guns. The sex act is not limited to prostitution, but the vast majority of prosecuted cases have been based on prostitution. As a non-prostitution case, for example, in *United States v. Flanders*,² the traffickers drugged young women in order to compel videotaped sex acts which were then distributed commercially via the internet.

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² 752 F.3d 1317 (11th Cir. 2014).

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10.2 International Alien Transportation Operations

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10.3 Alien Transportation Operating Procedures

SAC offices must comply with the following procedures for all domestic and international operations regarding the transportation of UDAs:

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NON-TESTIMONIAL EVIDENCE

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TESTIMONIAL EVIDENCE

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C. Benefiting Financially from Sex Trafficking Under 18 U.S.C. § 1591(a)(2)

Actors who benefit financially by participating in a sex trafficking venture can also be held liable.

1. In or affecting interstate or foreign commerce

2. Knowingly benefits, financially or by receiving anything of value, from participation in a venture that recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes or solicits by any means a person

3. Knowing or in reckless disregard

That means of force, threats of force, fraud, coercion or any combination of such means will be used to engage in

(Adult or child sex trafficking)

OR

The person has not attained the age of 18 years and will be caused to engage in

(Child sex trafficking)

4. A commercial sex act

A “venture” is defined in § 1591 (Sex Trafficking) as “any group of two or more individuals associated in fact, whether or not a legal entity.”

A good example of liability of financially benefiting from a sex trafficking scheme comes from a guilty plea by Kanubhai Patel, a Louisiana motel owner. From the press release:

“According to evidence presented in court and documents filed in connection with the case, Patel acknowledged that, in his role as the former owner of the Riviera Motel, he regularly rented rooms to individuals who are charged as sex trafficking co-conspirators in connection with this case, knowing they were pimps who forced and coerced women to engage in prostitution. Patel admitted that, although he never personally recruited, groomed, or coerced any of the victims, he benefited financially from the sex trafficking operation.

Evidence presented at the plea hearing and court documents establish that Patel would charge the pimps and sex trafficking co-conspirators higher rates than other motel guests and would open the motel’s gate to allow the women to bring customers back to the hotel. Patel learned that members of the sex trafficking conspiracy physically assaulted women they prostituted, including one instance in which a co-conspirator brutally beat one woman with a large piece of wood while she screamed for help, leaving her with multiple lacerations and what appeared to be a broken arm. Patel also saw the damage that a co-conspirator caused to a motel room during a beating, including a broken toilet, a damaged sink, and blood on the

(b)(7)(E)

walls. Patel agreed not to call the police after the co-conspirator paid him for the damage to the room. Patel also knew that, in furtherance of the sex trafficking scheme, members of the sex trafficking conspiracy would take the women's identification cards from them. Patel saw the sex trafficking co-conspirators possessing the women's identification cards and using them to rent hotels. Patel did not report them to police as long as they paid their rent."

8.2.2 Extraterritorial Jurisdiction

18 U.S.C. §§ 1589, 1590, and 1591 carry extraterritorial jurisdiction provisions. Using this authority, an actor in violation of any of these statutes may be prosecuted in U.S. district court for a violation that happened anywhere in the world, so long as the target is a U.S. national, a U.S. LPR, or, irrespective of nationality, present in the United States.

8.3 Document Related Offenses

8.3.1 18 U.S.C. § 1592, Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor

Also known as the "document servitude" statute, 18 U.S.C. § 1592 targets traffickers who control victims' identity or immigration documents in order to perpetuate forced labor or sex trafficking. It is a crime to knowingly destroy, conceal, remove, confiscate, or possess any actual or purported passports or other immigration document, or any other actual or purported government identification document of another person in the course of violating several statutes, including 18 U.S.C. § 1589 (Forced Labor) and § 1591 (Sex Trafficking). It carries a maximum sentence of five years.

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8.3.2 18 U.S.C. § 1597, Unlawful Conduct Regarding Immigration Documents

18 U.S.C. § 1597 is similar to document servitude; however, it must be in furtherance of 8 U.S.C. § 1324 (Alien Smuggling) or 18 U.S.C. § 1351 (Fraud in Foreign Labor Contracting). Under § 1597, it is a crime to knowingly destroy, conceal, remove, confiscate, or possess an actual or purported passport or other immigration document of another individual in the course of violating 8 U.S.C. § 1324 or 18 U.S.C. § 1351.

8.4 Labor, Fraud, and Customs Offenses

Traffickers often use fraud in furtherance of their crime; therefore, SAs should (b)(7)(E)

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SAs should (b)(7)(E)

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8.4.1 Title 18, Chapter 63, Fraud Offenses

SAs should be (b)(7)(E)

(b)(7)(E)

8.4.2 18 U.S.C. § 1351, Fraud in Foreign Labor Contracting

(b)(7)(E) Section 1351(a) is a crime of recruiting, soliciting, or hiring a person from outside the United States for employment in the United States using materially false promises regarding the employment.

Section 1351(b) criminalizes the same conduct but is specific to work performed outside the United States, such as on a U.S. Government contract or on a military base.

8.4.3 28 U.S.C. §§ 207, 215, 216, Fair Labor Standards Act

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8.4.4 Title 18, Chapter 27, Customs Offenses

SAs should (b)(7)(E)

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8.5 Prostitution Related Crimes Charged with or in Lieu of § 1591 (Sex Trafficking)

A clear majority of sex trafficking investigations involve prostitution. (b)(7)(E)

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8.5.1 Adults

A typical combination of offenses is 18 U.S.C. §§ 2421 and 2422(a) if the defendant caused the victim to cross state lines for the purposes of prostitution and 8 U.S.C. § 1328 if the defendant smuggled the victim into the United States for purposes of prostitution.

18 U.S.C. § 2421, Interstate Transportation for Prostitution, prohibits knowingly transporting any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

Note (b)(7)(E)

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18 U.S.C. § 2422(a), Interstate Coercion and Enticement into Prostitution, prohibits knowingly persuading, inducing, enticing, or coercing any individual, regardless of age, to travel in interstate or foreign commerce to engage in prostitution or any sexual activity for which any person can be charged. The maximum sentence is 20 years.

8 U.S.C. § 1328, Importation for Prostitution, prohibits the importation into the United States of any noncitizen, regardless of age, for the purpose of prostitution or the harboring of that person for the same purpose. The maximum sentence is 10 years.

8.5.2 Minors

Specific to minors, a frequent combination of offenses includes 18 U.S.C. §§ 2423(a), 2423(b), and 2422(b).

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10.5 Proceeds

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Chapter 11. APPLICABLE MONEY LAUNDERING LAWS IN SUPPORT OF HUMAN SMUGGLING AND HUMAN TRAFFICKING INVESTIGATIONS

Since human smuggling and human trafficking criminal enterprises exist to make illicit profits, federal money laundering laws are appropriate and applicable to the investigation and prosecution of these types of criminal organizations. In fact, applying money laundering and asset forfeiture laws is a powerful means of attacking the human smuggling and human trafficking threat. Enhanced penalties for violating money laundering statutes are significant and include fines of up to \$500,000 and/or imprisonment up to 20 years.

HSI initiated Project STAMP (Smuggler and Trafficker Assets, Monies, and Proceeds) in order to attack human smuggling and human trafficking through anti-money laundering means and by seizing any illicit assets, thereby shutting down the entrenched criminal activity.

18 U.S.C. § 2423(a), Transportation of Minors with Intent to Engage in Criminal Sexual Activity, prohibits transporting a minor for purposes of prostitution, so proof that the child was not yet 18 years old is necessary. (b)(7)(E)

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The sentence is a minimum of 10 years to a maximum of life.

18 U.S.C. § 2423(b), Travel with Intent to Engage in Illicit Sexual Conduct, prohibits travel in interstate or foreign commerce for the purpose of engaging in illicit sexual conduct to include a commercial sex act and production of child pornography. The sentence is a maximum of 30 years. (See Section 8.6, Child Sex Tourism.)

18 U.S.C. § 2422(b), Interstate Coercion and Enticement into Prostitution, (b)(7)(E)

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(b)(7)(E) 18 U.S.C. § 2422(b) prohibits using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so. The sentence is a minimum of 10 years to a maximum of life.

8.5.3 Adults and Minors Under the Travel Act

18 U.S.C. § 1952, Interstate and Foreign Travel or Transportation in Aid of Racketeering (b)(7)(E)

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(b)(7)(E)

(b)(7)(E) 18 U.S.C. § 1952 prohibits traveling in interstate or foreign commerce or using the mail or any facility or interstate or foreign commerce with intent to distribute the proceeds from prostitution (among other things), commit any crime of violence to further prostitution (among other things), or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of prostitution (among other things).

8.6 Transnational Child Sex Offenders

Transnational child sex offenders engage in a form of human trafficking. It is a crime for a U.S. citizen or LPR to travel to a foreign country and engage in sexual activity with a child; it is also a crime to help someone organize or travel for that purpose. Some offenders plan trips with the pre-formed intent to engage in sexual activity while others engage in sexual activity with a child if the opportunity presents itself; both actions are criminalized under the following statutes:

18 U.S.C. § 1596 grants extraterritorial jurisdiction over 18 U.S.C. § 1591 (Sex Trafficking) which allows HSI to investigate U.S. nationals and residents who commit child sex trafficking crimes in foreign countries.

11.1 Money Laundering Laws

Federal money laundering laws require that there be a financial transaction involving proceeds of a specified unlawful activity (SUA) with knowledge by the transactor that the funds are proceeds of some felony, but the transaction must be accomplished or undertaken for a particular purpose, e.g., promote some violation which is in fact an SUA; conceal some aspect (ownership, source, location, etc.) of proceeds derived from an SUA; avoid a reporting requirement; or engage in income tax violations prohibited by 26 U.S.C. §§ 7201, 7206.

- A. 18 U.S.C. § 1956 (a)(1) – Domestic Transactions
- B. 18 U.S.C. § 1956 (a)(2) – International Transactions
- C. 18 U.S.C. § 1956 (a)(3) – Sting operation
- D. 18 U.S.C. § 1957 – Transactions at Financial Institutions
- E. 18 U.S.C. § 1956 (h) – Money Laundering Conspiracy

11.2 Specified Unlawful Activities Related to Human Smuggling and Trafficking

- A. 8 U.S.C. § 1324 – Bring in and Harboring Certain Aliens
- B. 8 U.S.C. § 1327 – Aiding and Assisting Certain Aliens to Enter
- C. 8 U.S.C. § 1328 – Importation of Alien for Immoral Purpose
- D. 18 U.S.C. § 1581 – Peonage
- E. 18 U.S.C. § 1584 – Sale into Involuntary Servitude
- F. 18 U.S.C. §§ 2421-2423 – “Mann Act”
- G. 18 U.S.C. § 1591 – Sex Trafficking of Children or by Force, Fraud, or Coercion

(Note: SAs should seek more detailed guidance by consulting the Financial Investigations Handbook (HSI HB 14-03), dated May 13, 2014, or as updated.)

11.3 Forfeiture Laws

- A. 18 U.S.C. 981 – Civil Forfeiture

Civil forfeiture law embodies actions against a property in question with the requirement that the government establish probable cause that the property was

18 U.S.C. § 2423(c) prohibits U.S. citizens or LPRs from traveling from the United States to a foreign country and, while there, raping or sexually molesting a child or paying a child for sex. The penalty is up to 30 years.

18 U.S.C. § 2423(b) (b)(7)(E) where the intent for the travel was to have sex with minors, which includes contact through online services. The penalty is also up to 30 years.

18 U.S.C. § 2423(d) makes it a crime to facilitate the travel of U.S. citizens or LPRs knowing that they are traveling for the purpose of engaging in sex with a minor, thereby criminalizing “child sex tour operators.” The penalty is up to 30 years.

8.7 Child Sexual Abuse Material

Child pornography statutes, like sex trafficking, also carry mandatory minimums. SAs should

(b)(7)(E)

(b)(7)(E)

SAs (b)(7)(E)

(b)(7)(E)

(See HSI HB 20-07, Child Sexual Exploitation Investigations Handbook, dated November 24, 2020, or as updated.)

8.8 Immigration Offenses and Visa Fraud

Traffickers often recruit and target foreign nationals because they are far from their home communities, friends, and traditional sources of support; they may not speak the language or know U.S. laws, and they may not have lawful immigration status which makes them reluctant to reach out to law enforcement for help. Traffickers are known to bring victims into the United States lawfully or to recruit undocumented individuals already in the United States. However, traffickers are also known to smuggle victims into the country, obtain fraudulent visas, or force victims to overstay valid visas.

In these situations, SAs should (b)(7)(E)

(b)(7)(E)

As all traffickers are

motivated by profit, SAs should (b)(7)(E)

involved in smuggling and harboring, peonage, slavery, and trafficking in persons or money laundering as it relates to the aforementioned SUAs.

B. 18 U.S.C. 982 – Criminal Forfeiture

Criminal forfeiture law embodies actions against a person in question with the requirement that the government establish a beyond-a-reasonable-doubt guilt of a person and the person's proprietary interest in the property in the indictment. The criminal forfeiture law allows for the government to obtain a general judgment against a person and allows for substitution of assets if the property is not available.

(Note: SAs should seek more detailed guidance by consulting the Asset Forfeiture Handbook (HSI HB 10-04), dated June 30, 2010, or as updated.)

11.4 Financial Investigative Methodology

During human smuggling or human trafficking investigations, once SAs fully establish all the elements of applicable SUAs as listed above, appropriate money laundering laws can be invoked in order to enhance the investigation. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

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(b)(7)(E)

8.9 Financial Offenses

SAs should (b)(7)(E)

(b)(7)(E)

Second, SAs (b)(7)(E)

(b)(7)(E)

Third, a financial investigation can lead to evidence of money laundering. Traffickers' primary motivation is profit, so they often launder the proceeds of the trafficking to either conceal it, further distribute it, or avoid paying taxes. Evidence of money laundering (b)(7)(E)

(b)(7)(E)

(b)(7)(E) Seizing the profits means a larger disruption and potential dismantlement of the trafficking enterprise. Enhanced penalties for violating money laundering statutes are significant and include fines of up to \$500,000 and/or imprisonment up to 20 years.

8.9.1 Money Laundering

The following money laundering statutes are most relevant to human trafficking:

18 U.S.C. § 1956(a)(1) for domestic transactions – Federal money laundering laws require that there be a financial transaction involving proceeds of an SUA with knowledge by the transactor that the funds are proceeds of some felony, but the transaction must be accomplished or undertaken for a particular purpose, e.g., promote some violation which is in fact an SUA; conceal some aspect (ownership, source, location, etc.) of proceeds derived from an SUA; avoid a reporting requirement; or engage in income tax violations prohibited

(b)(7)(E)

Chapter 12. HOSTAGE SITUATIONS

Hostage situations generally come to the attention of HSI as the result of a report by a family member or a sponsor of the hostage victim who has contacted a federal, state, or local law enforcement agency with information pertaining to an extortion demand by members of an HSO.

(b)(7)(E)

(b)(7)(E)

The violence or threats of violence and/or increase of the smuggling fee satisfy the criminal elements necessary to initiate the investigation and prosecution of a hostage-taking violation. See 18 U.S.C. § 1203.

(b)(7)(E)

12.1 Hostage Recovery

The primary goal of conducting a hostage-taking investigation is the successful recovery of the hostage(s). There are multiple methods that can be implemented to accomplish this goal. Determination of which method is the best for recovery of the hostage may vary from case to case depending on several factors.

(b)(7)(E)

(b)(7)(E)

by 26 U.S.C. §§ 7201, 7206. Despite these multiple elements, laundering can be as simple as transferring SUA proceeds from one person to another with the requisite intent. There is no limit to the amount or use of banks or transacting outside the country.

Specific to 18 U.S.C. § 1956(a)(1) for domestic transactions, consider (b)(7)(E)

(b)(7)(E)

18 U.S.C. § 1956(a)(2) for international transactions prohibits moving any money internationally with the intent to promote an SUA, so the money does not need to be criminal proceeds, e.g., using a website to pay for commercial sex ads for sex trafficking. It includes attempted transfers designed to conceal the nature of the proceeds or to avoid a reporting requirement. “Monetary instruments” include coin and currency, foreign money, personal and bank checks, traveler’s checks, money orders, and investment securities.

18 U.S.C. § 1957, the “spending statute,” (b)(7)(E)

(b)(7)(E)

It has a threshold amount of \$10,000 and requires a “monetary transaction,” which means the involvement of a domestic or foreign bank.

18 U.S.C. § 1956(h) Conspiracy to violate § 1956 or § 1957 (or both) requires two or more people intending to launder dirty money. No overt act is required. In trafficking cases,

(b)(7)(E)

18 U.S.C. § 1960, Operating unlicensed money transmitting businesses, is the statute applicable to gatekeepers. Gatekeepers may not be involved in the trafficking itself, but they know that the funds are criminal proceeds and transfer or transmit those funds. This can include anyone who is helping to transmit the funds such as check cashers, couriers, and currency exchanges.

31 U.S.C. § 5324, Structuring is a crime of breaking up or attempting to break up cash transactions in order to evade Bank Secrecy Act (BSA) reporting requirements. SAs will

(b)(7)(E)

(See HSI HB 14-03, Financial Investigations Handbook, dated May 13, 2014, or as updated.)

(b)(7)(E)

12.2 Guidelines

Hostage situations can be dynamic and complex events; specific actions taken during a hostage situation need to be determined on a case-by-case basis. Exigent circumstances may require deviation from the following guidelines:

(b)(7)(E)

(b)(7)(E)

8.9.2 Forfeiture

In conjunction with the predicate SUA offenses and the related money laundering laws, SAs will

(b)(7)(E)

(b)(7)(E)

Forfeiture of illicit assets

and proceeds raises the cost and helps dismantle the criminal infrastructure of transnational criminal organizations like human smuggling organizations and human trafficking organizations. (See HSI HB 20-01, Asset Forfeiture Handbook, dated January 28, 2020, or as updated.)

8.9.3 Steps to Take for Financial Investigation of Human Traffickers

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

FINANCIAL INVESTIGATIONS & EVIDENCE

(b)(7)(E)

8.10 Drug Trafficking Offenses

In recent years, HSI has seen an increase in cases where traffickers either target victims addicted to drugs or create that addiction in their victims, then control access to the drugs, sometimes even to the point where the victims suffer from withdrawal, as a form of coercion that compels them to work or engage in commercial sex. Drug offenses can result in mandatory minimum sentences depending on the type and quantity of the substance.

(b)(7)(E)

Most relevant are 21 U.S.C. §§ 841 (Distribution of and Possession with Intent to Distribute a Controlled Substance), 844 (Simple Possession of a Controlled Substance), 846 (Attempt and Conspiracy), and 856 (Maintaining a Drug Controlled Premises).

SAs should (b)(7)(E)

(b)(7)(E)

8.11 Obstruction

Human traffickers threaten physical violence, restraint, arrest, and deportation, and many other serious harms to victims or their family members during the course of the crime. (b)(7)(E)

(b)(7)(E)

18 U.S.C. § 1512 (Tampering with a Witness, Victim or an Informant) is an option. However, § 1591(d) is obstruction specific to sex trafficking with a 25-year maximum sentence with the added benefit that a trafficker's associates who engage in obstruction become criminally liable under the sex trafficking statute even if they were not involved in the trafficking itself. Additionally, § 1591(d) can be used (b)(7)(E)

(b)(7)(E)

The document misconduct statutes, 18 U.S.C. § 1592 (Unlawful Conduct with Respect to Documents in Furtherance of Forced Labor) and § 1597 (Unlawful Conduct with Respect to Immigration Documents), also contain obstruction provisions.

8.12 Common Defenses to Refute with Evidence

Below are the most common defenses raised in human trafficking cases (b)(7)(E)

(b)(7)(E)

SAs should (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

8.13 If Criminal Justice System Options Are Exhausted – Alternative Means of Justice

Some trafficking cases cannot be prosecuted due to insufficient available evidence to meet the high burden of proof or for other reasons. Without criminal justice, there may be continuing violations, abuses, and wage theft occurring to other victims. Additionally, traffickers may feel emboldened when one case does not go forward. Therefore, seeking alternative forms of justice can still help to disrupt and dismantle human trafficking.

In such cases, (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

Chapter 13. IMMIGRATION RELIEF OPTIONS FOR HUMAN SMUGGLING AND HUMAN TRAFFICKING INVESTIGATIONS

While conducting human smuggling or human trafficking investigations, SAs should be aware of the immigration relief options available when encountering foreign national victims/witnesses. These options should be used in instances where it has been determined that presence of the victim/witness is required and is in the U.S. Government's best interest. SAs must thoroughly evaluate the totality of circumstances, identify special considerations (i.e., juveniles, witnesses who are also victims, criminal history, immigration history, security concerns, etc.) and then select the most appropriate option. The following descriptions contain only brief summaries and are not intended to provide detailed protocols or procedures related to each option.

13.1 Material Witness Warrant

Pursuant to 18 U.S.C. § 3144, a federal judge or magistrate may order the arrest of a witness in criminal proceedings upon the filing of an affidavit demonstrating that the witness' testimony is material to the case and that it may be impractical to secure the witness' presence by subpoena. The court will determine if the witness shall be detained or released utilizing the conditions set forth in 18 U.S.C. § 3142. Witnesses ordered to be detained are remanded to the custody of the U.S. Marshals Service. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

Chapter 9. HUMAN TRAFFICKING INVESTIGATIVE GUIDANCE

(b)(7)(E)

13.2 Significant Public Benefit Parole

SPBP may be used to bring an alien victim/witness, and, in some cases, the victim's/witness' immediate family members, into the United States for 1-year intervals. SPBP may be used for alien witnesses in judicial, administrative, or legislative proceedings. SPBP may also be used for alien victims on a case-by-case basis for "urgent humanitarian reasons" or significant public benefit for any alien applying for admission to the United States. *See* 8 U.S.C. § 1182(d) (5)(A). An SPBP is not an admission into the United States; however, employment authorization may be granted.

(Note: Additional guidance for SPBP can be found in the OI memorandum entitled, "Accountability of U.S. Immigration and Customs Enforcement (ICE) Significant Public Benefit Paroles," dated June 27, 2006, or as updated, and the OI memorandum entitled, "Interim Policy and Guidelines for Immediate Assumption of Significant Public Benefit Parole Responsibilities," dated August 8, 2006, or as updated.)

13.3 Deferred Action

Deferred action is "an act of administrative convenience to the government which gives some cases lower priority." *See* 8 C.F.R. § 274a.12(c)(14). In some cases, the determination to issue a deferred action is a discretionary decision made by the SAC. In other cases, such as when a victim has applied for certain benefits, the consideration of deferred action has been established as a matter of policy. Deferred action does not confer legal immigration status upon a victim/witness. An alien victim/witness granted deferred action may, upon application, be granted employment authorization. *See* 8 C.F.R. § 274a.12(c)(14).

13.4 Administrative Stay of Removal

An Administrative Stay of Removal (ASR) may be used for an alien witness with a Final Order of Removal. *See* 8 C.F.R. § 241.6. An ASR may be used when an alien is needed to "testify in the prosecution of a person for a violation of a law of the United States or of any State." *See* 8 U.S.C. § 1231(c) (2)(A)(ii). SACs should coordinate this option with the local ERO Field Office Director who has the discretionary authority to issue an ASR. An ASR does not confer legal immigration status upon an alien witness and the alien witness is not authorized to receive employment authorization based solely upon the ASR.

13.5 S Nonimmigrant Status

The S nonimmigrant status (also referred to as the "S Visa") may be granted to an alien witness and, in some cases, to the witness' immediate family members whose presence is "essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise." *See* 8 U.S.C. § 1101 (a) (15)(S)(i)(III). An alien who is granted the S nonimmigrant status is eligible to receive employment authorization.

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(b)(7)(E)

of the Freedom of Information and Privacy Act

A sponsoring office may apply for the S nonimmigrant status using an Inter-Agency Alien Witness and Informant Record (USCIS Form I-854). SACs are advised to coordinate their requests with the Victim Assistance Program and Management Oversight (VAP/MO) Unit, ISD.

13.6 Departure Control Order

Although it does not provide the authority to physically detain any aliens, 8 U.S.C. § 1185 permits DHS to prevent the departure of certain aliens from the United States. The regulations implementing this provision state that the departure of an “alien who is needed in the United States as a witness in, or as a party to, any criminal case under investigation or pending in a court in the United States” shall be deemed prejudicial to the interests of the United States. *See* 8 C.F.R. § 215.3(g). When a departure control officer knows, or has reason to believe, that such person is going to depart, the officer shall serve such person with a written temporary order directing that the person shall not depart until further notified. *See* 8 C.F.R. § 215.2(a). The issuance of a Departure Control Order is issued upon the alien and cannot be used as a substitute for an ASR. SACs are delegated departure control authority in ICE Delegation Number 0001 entitled, “Delegation of Authority to the Directors, Detention and Removal and Investigations, and to Field Office Directors, Special Agents in Charge and Certain Other Officers of the Bureau of Immigration and Customs Enforcement,” dated June 6, 2003, or as updated.

13.7 Continued Presence

HSI recognizes that, in order to successfully investigate and prosecute traffickers, victims must be stable and free from fear and intimidation to be effective witnesses. Equal value should be placed on the identification and rescue of victims and the prosecution of traffickers. Short-term immigration benefits shall be provided to certified victims of human trafficking in the form of CP and can be requested only by a federal law enforcement agency with jurisdiction to investigate human trafficking violations. (b)(7)(E)

(b)(7)(E)

The Secretary of DHS may permit these victims to remain in the United States to facilitate the investigation and prosecution of those individuals responsible for such offense. CP is initially granted for 12 months, is adjudicated by the Law Enforcement Parole Section (LEPS), Parole and Law Enforcement Programs Unit, TCPSP, and can be extended if necessary.

After it adjudicates a CP application, LEPS informs the USCIS Vermont Service Center for production of the Employment Authorization Document. USCIS then issues an Employment Authorization Document and an Arrival-Departure Record (CBP Form I-94) to the victim. Once a cooperating victim has been granted CP, the victim is also statutorily eligible for many additional benefits, including, but not limited to, mental health services, health

(b)(7)(E)

9.5 Connect with NGOs Providing Trafficking Victim Services

DOJ and HHS fund organizations to provide outreach and comprehensive services to human trafficking victims. The lists of grantees are publicly available online. These service providers are often highly connected to many of the community partners SAs are seeking out, because

care assistance, housing or shelter assistance, food assistance, income assistance, employment assistance, and English language training.

During the investigation and prosecution of the suspected traffickers, SAs should make reasonable efforts to protect the safety of trafficking victims. This should include protection of trafficking victims and their families from intimidation, threats of reprisals, and reprisals from traffickers and their associates. SAs should be aware that, in addition to CP, law enforcement officials may also submit written requests to the Secretary of DHS, in accordance with the INA, to permit the parole into the United States of certain relatives of alien human trafficking victims or victims granted CP. If appropriate, victims and their family members may also be considered for the HSI Exigent Security for Witnesses Program (ESWP).

(Note: SAs should contact the VAP/MO Unit for more information on the ESWP. For further guidance concerning CP, SAs should refer to section 205 of the TVPRA and contact their local VAC or VAS.)

13.8 T Nonimmigrant Status and U Nonimmigrant Status

The T nonimmigrant status and the U nonimmigrant status are used in human trafficking investigations as benefits for the victims of such crimes. While the T nonimmigrant status is used specifically for human trafficking cases, the U nonimmigrant status covers various criminal activities, including trafficking. See 8 C.F.R. §§ 214.11 and 214.14. Qualifying crimes for the U nonimmigrant status include, but are not limited to, kidnapping, manslaughter, peonage, sexual assault, and domestic violence. (Note: For further guidance, see the T Nonimmigrant Status Handbook (OI HB 09-03), dated October 5, 2009, or as updated, and the U Nonimmigrant Status Handbook (OI HB 09-04), dated December 1, 2009, or as updated.)

13.9 Victim Assistance Coordinators and Victim Assistance Specialists

Due to the complex nature of human trafficking cases and the multitude of short-term and long-term needs experienced by victims, HSI human trafficking investigations are closely coordinated with activities provided under the VAP. HSI VACs and VASs are responsible for ensuring that victims are afforded their rights under the law and are connected to emergency services and resources. Each SAC office has SAs who are assigned the collateral duty of serving as VACs and receive special training on VAC responsibilities. In addition, there are full-time VASs located in various SAC offices nationwide. There are also victim assistance subject matter experts at HSI HQ in the VAP Section, VAP/MO Unit, ISD, who provide training, technical assistance, and case consultation to field offices, as needed. If victim services are needed for an investigation, SAs should contact their local VAC or VAS for resources and assistance.

VACs and VASs are trained to recognize indicators of human trafficking during the course of an investigation and to provide direct support and assistance when victims are encountered. VACs and VASs are responsible for ensuring that victims are aware of their rights under the TVPA and other relevant federal laws. They are also responsible for assisting case agents with applying for CP on behalf of victims; arranging suitable housing, health care, interpreter services, and other basic needs in the immediate aftermath of a rescue; and ensuring that law enforcement interviews

these service providers are looking for referrals of trafficking victims and make referrals for victims in need of service as well.

NGOs are organizations that are not a part of a federal, state, or local government. For the purposes of HSI, NGOs are generally organizations or agencies that provide one or more social services to trafficking survivors and victims of other crimes. These service providers have an important role in the stabilization and long-term recovery of trafficking victims, building trust, and often provide access to the following short-term and long-term services. Short-term services include, but are not limited to, shelter, food, clothing, medical care, and dental care. Long-term services include, but are not limited to, mental health, English language training, job skill training, mentoring, and case management.

NGOs also provide or work with partner agencies that can provide immigration advocacy and legal services to trafficking victims, which is a critical resource for victims who pursue civil cases and/or T or U nonimmigrant status. Immigration attorneys can be a great source for leads, especially forced labor. Many NGOs are community organizations, faith-based organizations, or agencies whose primary mission is to provide assistance to victims of domestic abuse or sexual assault. Since there is no organization with the capacity to meet the wide range of trafficking victims' needs single-handedly, NGOs usually work in collaboration with counterparts in a task force model. It should be noted that, while most trafficking victim service agencies are NGOs, there are many public agencies, especially at the local level, that also provide direct services to trafficking victims.

SAs are required to inform an HSI VAS of any identified crime victims so that, as required by law, the victims can be provided referrals for services and information regarding their rights. VASs necessarily have contacts throughout the community to facilitate these referrals. VASs possess specialized knowledge, experience, and skills pertaining to the dynamics and impact of victimization; triage and assess the needs of victims and families; and tailor and manage a range of support services in the community while effectively communicating with the investigative team.

(Note: (b)(7)(E))

(b)(7)(E)

9.6 National Sources of Leads

- A. **ICE Tip Line:** The Tip Line number is 1-866-347-2423. The DHS Blue Campaign conducts a nationwide public awareness campaign on human trafficking to generate calls to the ICE Tip Line as well as the National Human Trafficking Hotline.
- B. **National Human Trafficking Hotline:** 1-888-373-7888 is the national, 24-hour human trafficking hotline in the United States. Calls from victims who want to speak to law enforcement are routed to specific contacts within task forces or to other designated

(b)(7)(E)

Chapter 14. CASE MANAGEMENT

In order to appropriately document investigations, proper case management must be followed. It is important for SAC offices, and thus SAs, to properly categorize and code their cases in order to streamline the process of reporting, querying, intelligence gathering, and resource allocation.

(b)(7)(E)

14.1 TECS Case Categories

Case category (b)(7)(E) Human Smuggling/Trafficking, shall be utilized for all human smuggling and trafficking cases entered into TECS. Although there may be some overlap between these two criminal activities, they are two distinctly different federal violations and must be tracked accordingly. The primary program codes under this category are (b)(7)(E) for human smuggling investigations and (b)(7)(E) for human trafficking investigations. In addition, the subcategory program codes listed in Section 14.2 below shall be used to further classify each case.

14.2 TECS Program Codes

SAs should be aware that human smuggling and human trafficking cases sometimes cross over into other program areas (e.g., Worksite Enforcement, Identity and Benefit Fraud, etc.) and the secondary program codes for these areas should therefore be utilized in addition to the (b)(7)(E) and (b)(7)(E) primary program codes.

General program codes used in TECS for human smuggling and human trafficking investigations are as follows:

agencies for specific AORs. SAs should contact the CCHT Operations Unit if they are not aware of who receives these leads in their AOR. Not all calls to the hotline are from victims; callers also request general information about human trafficking as well as training and outreach materials.

- C. **Department of Health & Human Services Unaccompanied Trafficked Minor Referrals:** The CCHT Operations Unit receives written summaries from HHS of unaccompanied minors in its custody who have claimed to have been trafficked in their country of origin, en route to the United States, or within the United States. When HSI has jurisdiction, the summary appears credible, and the minor is willing to be interviewed, the CCHT Operations Unit will forward the summary to the appropriate HSI Human Trafficking Group.
- D. **National Center for Missing & Exploited Children (NCMEC):** The HSI Child Exploitation Investigations Unit has HSI SAs embedded with NCMEC to facilitate HSI leads on child exploitation and child sex trafficking.

9.7 Coordination with the Chief Intelligence Officer

SAs are encouraged to coordinate early with the Chief Intelligence Officer (CIO) in the affected AOR(s). Human trafficking routinely entails an international nexus and domestically involves more than one AOR. Due to the complexity and multiple jurisdictions that can be involved in human trafficking cases, this coordination allows HSI CAs from multiple AORs to collaborate and focus their own collection capabilities, as well as those of the related fusion centers, to efficiently identify trafficking network(s) and victims.

The CIO will ensure (b)(7)(E)

(b)(7)(E)

CAs can consult with the CCHT Intelligence Section and the HSI Office of Intelligence at HQ for higher-level research and coordination, as needed.

9.8 Partnerships with the Adult Entertainment Industry Are Prohibited

HSI conducts community outreach and training sessions pertaining to human trafficking in order to generate leads. SAs are advised to conduct these outreach events and training sessions in neutral community settings and to avoid adult entertainment establishments as training venues. Club owners, dancers, and other employees of such establishments can be invited to these neutral

CODE	DESCRIPTION	ADDITIONAL INFORMATION
(b)(7)(E)		

Chapter 15. INVESTIGATIVE RESOURCES

When conducting human smuggling or trafficking investigations, SAs need to be aware of organizations and entities that will aid in primary and secondary aspects of their investigations.

venues. SAs are also advised to pay attention to the description of these training efforts and invitations to avoid any appearance of a partnership or support to the adult entertainment industry. The Abolish Human Trafficking Act of 2017 prohibits federal funds or resources being used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that has the primary purpose of providing adult entertainment and derives profits from the commercial sex trade. Pub.L.No 115-392, § 19.

9.9 Collect Evidence Without Needing a Testifying Victim

Some victims may be too traumatized to fully cooperate or testify and some may be retraumatized by testifying. (b)(7)(E)

(b)(7)(E)

9.10 Responding to Trafficking Victims' Leads

The critical first steps in pursuing any human trafficking lead are the immediate removal of any identified or potential victims from dangerous situations and the swift determination of any human trafficking indicators. When HSI receives a lead involving a potential human trafficking case or victim, SAs will proceed as follows:

(b)(7)(E)

These groups provide SAs with invaluable forms of intelligence, organization, and victim assistance to what can become very complex cases. The following Sections detail some of the primary resources needed to help conduct human smuggling and human trafficking investigations effectively.

15.1 Human Smuggling and Trafficking Unit

HSTU can be contacted as follows:

U.S. Immigration and Customs Enforcement

Homeland Security Investigations

500 12th St. SW

Washington, DC 20536

Human Trafficking: (b)(7)(E)@ice.dhs.gov

Human Smuggling: (b)(7)(E)@ice.dhs.gov

(Note: SAs can access additional contact information for HSTU on (b)(7)(E)

15.2 Human Smuggling and Trafficking Center

HSTC was established by the Intelligence Reform and Terrorism Prevention Act of 2004 to provide greater coordination between state, federal, and international authorities involving human smuggling, human trafficking, and clandestine terrorist travel. HSTC facilitates the broad dissemination of all-source information, prepares strategic assessments, identifies issues for interagency coordination or attention, and coordinates and provides support for select initiatives. Participating federal agencies include the Department of State, DHS, DOJ, and the Office of the Director of National Intelligence. Further information regarding the HSTC may be found on HSI Net at the following address or website:

Human Smuggling and Trafficking Center

1800 G Street NW, (b)(7)(E)

Washington, DC 20223

(b)(7)(E)

15.3 National Human Trafficking Resource Center

The NHTRC is an HHS-funded program implemented for the purpose of providing a national, 24-hour human trafficking hotline in the United States. The NHTRC fields calls from potential victims, community members, and law enforcement agencies ranging from human trafficking tips and training requests to trafficking response situations. It also provides services including crisis calls from victims, tip reporting, training requests, urgent and non-urgent referrals, and general information requests. The NHTRC can be contacted at:

(b)(7)(E)

Email: (b)(7)(E)

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of the Freedom of Information and Privacy Act

15.4 Victim Assistance Program

Due to the complex nature of human trafficking cases and the multitude of short-term and long-term needs experienced by victims, HSI human trafficking investigations are closely linked to the VAP. The responsibility for ensuring that victims' needs are met lies with collateral-duty VACs working in HSI and ERO field offices, as well as with full-time VASs at HSI and ERO HQ and field offices. If VAC services are needed for an investigation, SAs should consult with their SAC office VAS or VAC for assistance. The HSI VAP is in the VAP/MO Unit, ISD, and can be contacted at:

HSI Victim Assistance Program:

Phone: (b)(7)(E)

Email: (b)(7)(E)@dhs.gov

15.5 Forensic Interview Program

The VAP has full-time forensic interview specialists available to support domestic and international investigations involving victims, particularly in the areas of child exploitation and human trafficking. The purpose of a forensic interview is to assist in the determination of whether or not a crime has occurred and to assess the victim's safety in his or her current situation. Forensic interview specialists are available to all victims, but their expertise is children.

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(b)(7)(E)

(See the HSI memorandum, "The Forensic Interview Program," dated September 16, 2009, or as updated, for additional information.)

To request assistance with scheduling a forensic interviewer to aid their investigation, SAs should contact the VAP at HSI HQ which can be contacted at:

Forensic Interviews:

Phone: (b)(7)(E)

Email: (b)(7)(E)@ice.dhs.gov

(Note: For further guidance and requirements, see the TVPRA and “The Interagency Memorandum of Understanding Between the Department of Health and Human Services, the Department of Homeland Security, and the Department of Justice,” dated July 12, 2004, or as updated.)

Chapter 10. SUPPORTING THE VICTIM WITNESS

10.1 Consider the Victim’s Experience – Be Trauma-Informed

Unlike other crimes that HSI investigates, human trafficking involves identifying and working closely with highly traumatized victims. The success of the human trafficking case often directly correlates with the level of trust SAs establish with the victim(s).

Establishing that trust starts with being trauma-informed. In other words, SAs need to learn more about what victims endure while being trafficked and then consider the physical, emotional, developmental, and social impact that it takes. Traffickers purposefully inflict physical and sexual abuse, create distrust of government and law enforcement, take away all control that victims have in their life, threaten to harm loved ones, threaten to financially and reputationally ruin their victims, break every promise, and break them down emotionally to become dependent and compliant.

Therefore, if SAs are the first to respond to a trafficking lead and are going into a location to identify and recover potential victims, they may not be greeted with open arms. Instead, SAs have to prepare themselves to meet victims who may be silent, aggressive, hostile, confused, afraid, suspicious, mistrustful, or under the influence of drugs and/or alcohol. They may feel loyalty to the trafficker and not recognize that they are victims to the point that they return or want to return to the trafficker, similar to the cycle of domestic violence. They may only state what the trafficker told them to say and only later, after feeling safe, begin to divulge what has really happened. They may be in total disbelief that anyone can or will help, because the last person to promise that was the trafficker. These responses should not be interpreted as lack of cooperation, but instead as the natural symptoms of fear and potential trauma bonding.

To human trafficking victims in that moment, some of their fears are coming true – law enforcement has arrived to take them away – and a lot of unanswered questions arise, like “Is this horrible ordeal over or are you about to make it worse? Who are you? Am I safe? Will the trafficker find me and take me back? Will the trafficker retaliate against me or my family? Where will I stay tonight? Where will my next meal come from? Can I talk to my family? How can I trust these new people? How will I pay my debt? Where will my kids go?”

When these questions about basic safety and survival are the foremost questions on victims’ mind, they are often unable to participate in any kind of meaningful interview. A VAS can address many of the victims’ immediate needs and questions and ideally an investigative interview should take place once the victims feel safe and stable.

15.6 Office of Refugee Resettlement

ORR is part of the Administration for Children and Families under HHS. ORR provides assistance through NGOs for victims of human trafficking by helping with resources like housing, living assistance, providing certifications for foreign adult victims of human trafficking, and eligibility letters to foreign minor victims of human trafficking. Certifications and eligibility letters grant foreign victims access to federal benefits and services to the same extent as refugees, including monetary and medical assistance, social services, health care, and foster care. ORR can be contacted at:

Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services
Aerospace Building
901 D Street, SW
Washington, DC 20447

(b)(7)(E)

15.7 Non-Governmental Organizations

NGOs are organizations that are not a part of a federal, state, or local government. For the purposes of HSI, NGOs are generally organizations or agencies that provide one or more social services to trafficking survivors and victims of other crimes. These service providers have an important role in the stabilization and long-term recovery of trafficking victims and often provide access to the following short-term and long-term services. Short-term services include, but are not limited to, shelter, food, clothing, medical care, and dental care. Long-term services include, but are not limited to, mental health, English language training, job skill training, and case management.

NGOs also provide or work with partner agencies that can provide immigration advocacy and legal services to trafficking victims which is a critical resource for victims who pursue civil cases or T or U nonimmigrant status. Many NGOs are community organizations, faith-based organizations, or agencies whose primary mission is to provide assistance to victims of domestic abuse or sexual assault. Since there is no organization with the capacity to meet the wide range of trafficking victims' needs single-handedly, NGOs usually work in collaboration with counterparts in a task force model. It should be noted that, while most trafficking victim service agencies are NGOs, there are many public agencies, especially at the local level, that also provide direct services to trafficking victims.

15.8 HSI Office of Intelligence

The HSI Office of Intelligence collects, analyzes, and shares timely and accurate intelligence on illicit trade, illicit travel, and illicit financial activity with a U.S. nexus. SAs are encouraged to utilize their local Intelligence Research Specialists to assist with investigative efforts, including

If, however, SAs are meeting with a victim who has been referred by an NGO, there is some level of services and stabilization that has already occurred. When SAs have good relationships with their local NGOs, the service provider has likely already provided some assurances to the victim that this is a safe meeting. However, the interview will raise questions, fears, and concerns as well as potentially introduce new ones. Victims may have lingering fears of arrest or deportation, may not understand the U.S. criminal justice system and their role in it, and may feel that they have no control over any of it. Interview questions about the most difficult moments of the trafficking will invariably force the victims to remember and relive those terrible moments. For these reasons, HSI has outlined promising practices to conducting a trauma-informed interview and to minimize retraumatization as much as possible while also working toward a successful investigation.

Being trauma-informed ultimately means that, before every encounter with victims, HSI personnel need to consider how to best accommodate them due to their traumatic experience, as well as how to empower them, provide them with choices and control, ensure that their safety and basic needs are met, collaborate with them, and demonstrate that they can trust HSI.

10.2 Engage HSI Victim Assistance Personnel Immediately

Engaging federal victim assistance personnel is not only part of a trauma-informed approach, but it also ensures that HSI meets its federal mandate to provide required information and referrals to victims as soon as possible. SAs need to know the VAS and VAC assigned to the AOR and be prepared to bring them to any potential encounters with victims.

VASs and VACs provide direct support and assistance to victims when they are encountered by HSI. VASs and VACs are responsible for ensuring that victims are aware of their rights as federal crime victims under the TVPA and also for making referrals for any services. Due to the extent of trauma traffickers inflict, trafficking victims can require comprehensive services for which local NGOs are funded to provide. VASs and VACs can therefore reach out to the local network immediately to secure emergency, short-term, and long-term services that serve to stabilize the victim. VASs may also assist SAs with preparing the CP request.

VASs are trained on crisis mitigation and de-escalation techniques and can build rapport with victims in order for them to willingly participate with the investigation and provide on-scene emotional support, follow-up contact, information and referrals, and safety planning.

The sooner a VAS or VAC can build rapport, begin to answer victims' questions and make referrals for services, the sooner the victims feel safe and their basic needs are being met, the sooner they will be ready to be interviewed and participate in the investigation.

15.9 Human Trafficking Prosecution Unit

HTPU is part of the DOJ Civil Rights Division's Criminal Section and it serves to consolidate the expertise and resources of experienced human trafficking prosecutors. HTPU prosecutors work closely with the AUSAs and law enforcement agencies to streamline fast-moving trafficking investigations, ensure consistent application of trafficking statutes, and identify multijurisdictional trafficking networks. Early notification of any case with potential human trafficking angles allows HTPU to provide technical assistance, legal guidance, and coordination between districts prosecuting overlapping criminal network. (See the DOJ memorandum, "Human Trafficking Prosecution Unit," dated September 12, 2012, or as updated.) HTPU can be contacted through HSTU.

15.10 Human Rights and Special Prosecution Section

The DOJ Criminal Division's HRSP Section prosecutes members of international criminal networks who seek to evade U.S. immigration laws, such as smuggling persons into the United States. (See the DOJ memorandum, "Human Rights and Special Prosecution Section," dated September 12, 2012, or as updated.) <http://www.justice.gov/criminal/hrsp/>. HRSP also assists in the prosecution of ECT and IPAS investigations. HRSP can be contacted through HSTU.

15.11 International Organized Crime Intelligence and Operations Center

The International Organized Crime Intelligence and Operations Center (IOC2) utilizes existing resources and databases of the Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center and Special Operations Division (SOD) to share intelligence, deconflict operations, and produce actionable leads for investigators and prosecutors working nationwide. IOC2 can further help conduct case coordination in furtherance of the investigations. (Note: When requesting the telephone searches from IOC2, SOD results are automatically included. IOC2 can be contacted at:

National Program Manager
U.S. Immigration and Customs Enforcement
Homeland Security Investigations
OCDETF Fusion Center
International Organized Crime Intelligence and Operations Center (IOC2)

10.3 Employ Promising Practices for Trauma-Informed Victim Interviews

When conducting an interview of a potential human trafficking victim, SAs should consider the following tips which may be helpful in the identification of human trafficking and in advancing an investigation. A list of suggested questions can be found in Appendix A.

In preparing for the interview, SAs should:

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At the outset of the interview, SAs should:

(b)(7)(E)

15.12 Special Operations Division

SOD can query telephone numbers to deconflict with other federal investigations. SOD can be contacted at:

Program Manager, Special Operations Division

Email: (b)(7)(E) @ice.dhs.gov

15.13 Undercover Operations

Undercover operations can be used to fund travel for SAs to follow victims outside their AOR. (Note: SAs should contact the Undercover Operations Unit for further information.)

15.14 Counterterrorism and Criminal Exploitation Unit

The Counterterrorism and Criminal Exploitation Unit (CTCEU) brings special skill sets to human smuggling and trafficking cases that involve certain visa classes such as F, M, and J visas.

CTCEU's SEVIS Exploitation Section may be contacted by SAs any time the smuggling scheme being used involves F, M, or J visas or academic, vocational and/or flight schools. CTCEU has the capability to analyze a large volume of data pertaining to schools, programs, and student and exchange visitor visa holders and compare them to current trends, intelligence, and law enforcement reporting to uncover human smuggling or trafficking.

(Note: CTCEU can be contacted at (b)(7)(E) dhs.gov; additional information can be found on HSI Net.)

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During the interview, SAs should:

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DOMESTIC AND INTERNATIONAL UNDERCOVER ALIEN SMUGGLING INVESTIGATIONS

APPROVAL GUIDANCE CHART

(b)(7)(E)

10.4 Use Professional Interpreters

The quality of interpretation is critical to the investigation. Mistrials have occurred because of errors in interpretation. SAs should use trained, certified, professional interpreters. Consider these practices to help minimize any issues with interpretation:

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10.6 Identification Alone Is a Success

As outlined in Section 9.10 regarding responding to leads about potential victims, immediately recovering juveniles and immediately recovering victims from dangerous situations is paramount. The identification of any victim, even if an investigation cannot go forward after the victim's recovery, is a success. This follows HSI's victim-centered approach. SAs should

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10.7 Make Reasonable Efforts to Protect Victims' Safety

Per the TVPA, while investigating and prosecuting suspected traffickers, federal law enforcement officials "shall endeavor to make reasonable efforts to protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates." 22 U.S.C. § 7105(c)(3)(A)(ii). This may include requesting SPBP for family members and consideration for witness security.

10.8 Avoid Issuing Notices to Appear to Victims

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This practice is consistent with the TVPA and its subsequent

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reauthorizations, that human trafficking “victims should not be inappropriately incarcerated, fined or otherwise penalized for unlawful acts committed as a result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.” Pub. L. No. 106-386, § 102(b)(19), 114 Stat. 1464.

Should a victim initially be misidentified or inadvertently charged, SAs (b)(7)(E) (b)(7)(E) (See Chapter 12, Reporting and Case Management, for further instructions.)

10.9 Immigration Benefits and Options

HSI conducts hundreds of human trafficking investigations annually and therefore has significant law enforcement interest in trafficking victims and potential witnesses remaining in the United States through the investigation and prosecution. Immigrants can be particularly vulnerable to human trafficking due to a variety of factors, including, but not limited to, language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences.

Congress created CP, the T visa, and the U visa out of recognition that human trafficking victims without legal status may otherwise be reluctant to help in the investigation or prosecution. Human trafficking victims are therefore statutorily eligible for immigration and other benefits under the law to strengthen the ability of LEAs to investigate and prosecute serious crimes and human trafficking while offering protections to victims without the immediate risk of being removed from the country.

10.9.1 Continued Presence

It is the policy of HSI to request CP (defined in Section 3.4) for victims of a severe form of human trafficking, who may be potential witnesses, as early and expeditiously as practicable, which is consistent with HSI’s victim-centered approach. Timing is important for the investigation as well as the stabilization of the victim. (Note: Only law enforcement may request CP.)

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INTERVIEW QUESTIONS FOR HUMAN SMUGGLING INVESTIGATIONS

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CP is authorized for two years with work authorization. Extensions are authorized in increments of up to two additional years. The longer duration helps victims maintain their jobs and benefits without interruption. Extension requests must be submitted at least 60 calendar days prior to expiration. This allows sufficient processing time so that a victim's Form I-94 and work permit do not expire before new documents are issued.

(b)(7)(E) Only CP recipients are eligible to receive specific public benefits for trafficking victims and work authorization without a fee. Those benefits include, but are not limited to, mental health services, health care assistance, housing or shelter assistance, food assistance, income assistance, employment assistance, and English language training. (See HSI Directive 21-03, Continued Presence, dated February 24, 2021, or as updated.)

HSI maintains a brochure and a 12-minute video training on CP available on the Blue Campaign website which should be distributed widely. The routine use of CP engenders trust with service providers and organizations who may be a source of referrals for law enforcement and reassurance that victims will be protected if they come forward. Ultimately, this increases law enforcement's ability to identify even more victims and traffickers.

(Note: All information about a Continued Presence recipient is protected under 8 U.S.C. § 1367.)

10.9.2 Significant Public Benefit Parole for Family Members

SAs may request SPBP for a CP recipient's family members if the noncitizen is:

- A. under 21, then any family member who is the spouse, child, parent, or unmarried sibling (under 18 years of age);
- B. 21 or over, then any family member who is the spouse or child.

Family support can be critical to victims participating in an investigation and/or prosecution.

Additionally, as traffickers often make threats against family members in the home country and may carry them out in retaliation, SAs should request SPBP for the CP recipient's parent(s) or sibling(s) who are in present danger due to the victim's escape from trafficking or cooperation with law enforcement (irrespective of the age of the victim). (See HSI Directive 21-03, Continued Presence, dated February 24, 2021, or as updated.)

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10.9.3 T Visa

The T visa is an immigration benefit for which human trafficking victims self-petition to USCIS, and that law enforcement, including HSI, may support by completing a supplementary form certifying the applicant's status as a human trafficking victim. If the individual requesting that HSI sign a T visa declaration is a victim of human trafficking and has complied with reasonable requests for assistance from HSI in the investigation, the Group Supervisor of the investigating SA and Responsible Official *shall* complete and sign the T visa declaration (USCIS Form I-914 Supplement B). (See HSI HB 18-01, T Nonimmigrant Status (T Visa) Handbook, dated January 13, 2018, or as updated.)

An individual is eligible for a T visa if the victim:

- A. Is or was a victim of a severe form of trafficking in persons (which may include sex or labor trafficking), as defined by federal law;
- B. Is physically present in the United States (defined as the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands), American Samoa, or at a U.S. port of entry due to trafficking;
- C. Has complied with any reasonable request from an LEA for assistance in the investigation or prosecution of human trafficking *unless the victim is under age 18 or is unable to cooperate due to physical or mental trauma*;
- D. Would suffer extreme hardship involving unusual and severe harm if removed from the United States; and
- E. Is admissible to the United States or is granted a waiver of inadmissibility. 8 U.S.C. § 1101(a)(15)(T)(i)

A formal investigation or prosecution is not required to complete a T visa declaration, nor is there any requirement to wait until the conclusion of an investigation or prosecution. Withholding a T visa declaration until an investigation or prosecution is complete is not in keeping with a victim-centered approach. If CP terminates with the conclusion of the investigation or prosecution and the T visa application is yet to be adjudicated, the victim will be at risk of removal. (See HSI HB 18-01, T Nonimmigrant Status (T Visa) Handbook, dated January 13, 2018, or as updated.)

(Note: All information about a Continued Presence recipient is protected under 8 U.S.C. § 1367.)

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10.9.4 U Visa

The U visa is an immigration benefit for which victims of certain crimes apply to USCIS, and that law enforcement, including HSI, may support by completing a supplementary form certifying the victims' status as crime victims. An individual is eligible for a U visa if the victim:

- A. Is the direct or indirect victim of qualifying criminal activity;
- B. Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
- C. Has information about the criminal activity;
- D. Was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity; and
- E. Is admissible to the United States or is granted a waiver of inadmissibility. 8 U.S.C. § 1101(a)(15)(U)

(See HSI HB 18-06, U Nonimmigrant Status (U Visa) Handbook, dated September 21, 2018, or as updated.)

(Note: All information about a Continued Presence recipient is protected under 8 U.S.C. § 1367.)

10.9.5 Coordinate with ERO if Potential Victims Are in Custody

SAs should coordinate with ERO to interview a potential victim in ICE custody. It is suggested that SAs bring CP request paperwork to complete at the conclusion of the interview if any next steps will be taken to investigate. SAs should also work with OPLA and the ERO Field Office Director to secure the victim's release from detention and a stay of removal until CP is authorized.

10.9.6 Coordinate with OPLA if Potential Victims Are in Removal Proceedings

SAs should coordinate with OPLA regarding any potential or confirmed victim in an HSI trafficking investigation to ensure that the victim is not removed or concerned about removal proceedings, either of which would interfere with the criminal investigation. SAs must inform OPLA if HSI has requested CP or signed a T visa declaration or a U visa certification so that proceedings may be handled accordingly.

**INTERVIEW QUESTIONS
FOR HUMAN TRAFFICKING INVESTIGATIONS**

(b)(7)(E)

Chapter 11. LAW ENFORCEMENT PARTNERSHIPS

The most effective way to investigate human trafficking is through a collaborative, multi-agency approach with HSI's federal, state, local, and tribal partners.

11.1 Human Trafficking Task Forces

HSI participates in more than 100 human trafficking task forces comprised of federal, state, local, and tribal LEAs with many also including NGOs. Some of these task forces are funded by DOJ's BJA. Most task forces have the USAO as the lead, create protocols to determine which cases go to which LEA, and designate service providers available to assist victims. These task forces serve as a primary network to receive leads, assist in planning local operations, and facilitate the acceptance of cases by the USAO.

Funded task forces have focused on implementing collaborative approaches to combat all forms of human trafficking – sex trafficking and labor trafficking – of foreign nationals and U.S. citizens (of all sexes and ages) within the United States. Funding through this program is intended to assist communities in developing effective and sustainable multidisciplinary task forces that will implement victim-centered and coordinated approaches to identifying victims of all types of human trafficking, addressing the individualized needs of victims through quality services, and investigating and prosecuting human trafficking cases at the local, state, tribal, and federal levels.

11.2 Anti-Trafficking Coordination Teams

The Anti-Trafficking Coordination Team (ACTeam) Initiative is a collaborative effort of HSI, DOJ, DOL, and the FBI. Through this initiative, interagency teams of federal agents and federal prosecutors are convened in select districts, designated through a competitive, nationwide, interagency selection process to develop high-impact human trafficking investigations and prosecutions involving forced labor, sex trafficking of adults, and international sex trafficking. ACTeams coordinate closely with each agency's specialized anti-trafficking subject matter experts to develop and implement joint strategic enforcement plans and participate in intensive advanced human trafficking training programs.

11.3 U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative

Mexico is the country of origin of the largest number of foreign-born human trafficking victims identified in the United States. Since 2009, DOJ and DHS have collaborated with Mexican law enforcement counterparts to more effectively dismantle human trafficking networks operating across the U.S.-Mexico border. The United States and Mexico exchange leads and intelligence to strengthen investigations and prosecutions, bring human traffickers to justice, restore the rights and dignity of human trafficking victims, recover victims' children from the traffickers, and engage in high-impact prosecutions on both sides of the border. These efforts have resulted in successful prosecutions in both Mexico and the United States, including U.S. federal prosecutions of more than 170 defendants in cases in Georgia, New York, Florida, and Texas, in

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addition to numerous federal and state prosecutions in Mexico of associated sex traffickers. More than 200 victims have been identified and assisted and more than 20 victims' children have been recovered from the traffickers' control.

This initiative is coordinated primarily between the CCHT Operations Unit and DOJ's HTPU. SAs should contact the CCHT Operations Unit if they identify a complex cross-border case specific to Mexico.

Chapter 12. REPORTING AND CASE MANAGEMENT

12.1 ICM Case Category and Sub-Categories

In ICM, human trafficking investigations are documented (b)(7)(E). Because this case category is also linked to human smuggling, the subcategory codes listed below must be used to further classify each human trafficking case.

SUB-CATEGORY	DESCRIPTION	APPLICATION
(b)(7)(E)		

12.2 ICM Program Codes

The Operational Systems Development and Management Unit in Cyber and Operational Technology has created Program Codes for all HSI programmatic areas. To ensure accuracy of reporting, it is imperative that SAs use the proper ICM Program Codes when creating cases, ROIs, and Incident Reports. The primary program code under this category is (b)(7)(E) for human trafficking investigations. Along with the primary human trafficking program code, the human trafficking secondary codes listed below shall be used to further classify each case.

(b)(7)(E)

PROGRAM CODE	DESCRIPTION	APPLICATION
(b)(7)(E)		

(b)(7)(E)

12.3 Multiple Program Codes

SAs should be aware that human trafficking cases sometimes cross over into other program areas (e.g., Labor Exploitation, Identity and Benefit Fraud, etc.) and the secondary program codes for these areas should therefore be utilized in addition to the (b)(7)(E) primary program code.

12.4 Significant Case Report (b)(7)(E)

A Significant Case Report (SCR) allows HSI to identify, categorize, and report on investigations that target the greatest threats facing the homeland while also documenting HSI's commitment to disrupt and dismantle criminal organizations involved in human trafficking. As investigations progress, SAs should remain cognizant of the SCR criteria contained in HSI HB 22-01, Significant Case Report Handbook, dated January 3, 2022, or as updated, for a "Significant Investigation" and make every effort to complete an SCR submission at the earliest possible time. Initially, a SAC office requesting approval should coordinate with Domestic Operations for review and approval, including that of the Assistant Director for Domestic Operations. Once that occurs, SAs should enter the submission into the (b)(7)(E) by utilizing the appropriate (b)(7)(E) relevant to any human trafficking violations. After the SCR submission is approved by the Group Supervisor, the SAC, and the HQ SCR Panel, SAs will be able to post significant enforcement actions (b)(7)(E) (b)(7)(E) as defined in the Significant Case Report Handbook. (Note: The Significant Case Report Handbook is updated frequently. SAs should make sure that they consult the latest version.)

12.5 Human Trafficking Investigations and Victim Statistics

The CCHT Operations Unit routinely provides HSI statistical reporting regarding human trafficking enforcement and victim identification to ICE executive leadership and to all levels of the Executive and Legislative branches of the U.S. Government. Therefore, it is critical that SAs ensure that the information and coding used in ICM are accurate. Failure to ensure statistical integrity negatively impacts HSI's appropriations and performance measures, which, in turn, negatively impacts HSI's daily anti-trafficking operations.

12.6 Victim Identification Report of Investigation

SAs must document victims identified during human trafficking investigations in a Victim ROI. All victims identified and/or assisted require their own Victim ROI. Victim reporting in ICM increases the accuracy of statistical reporting of victims identified and/or assisted. It more accurately captures and reflects local, national, and international human trafficking victim data. The Victim ROI shall be completed when assisting state and local law enforcement in human trafficking investigations as well. Managers should note that the victim count should be present on (b)(7)(E) in ICM. VASs should continue to track their victim assistance activity and report that information to VAP.

HUMAN TRAFFICKING CASE NOTIFICATION

(b)(7)(E)

DESCRIPTION OF INVESTIGATION

(b)(7)(E)

STATUS

(b)(7)(E)

(Note: While the Victim ROI should be completed when assisting state and local law enforcement, HSI is obligated by law to provide information and services to any victim identified as part of an HSI investigation. Therefore, the number of Victim ROIs will be higher than the number of victims assisted by HSI VASs.)

12.7 Obtain an A-File Without a Notice to Appear

SAs should obtain a blank A-file from their designated A-file custodian or request a small supply from the local USCIS office to keep on hand. SAs can then use this A number on ICE Form 73-031, Request for Continued Presence. SAs should keep the CP paperwork (b)(7)(E)

(b)(7)(E)

12.8 Amend Charges for Inadvertent Victim Arrests

As previously discussed, SAs should avoid arresting any known or suspected human trafficking victim. If an individual who has already been charged is later determined to be a victim, SAs should amend the charge as (b)(7)(E) before the case is closed. SAs should send an email (b)(7)(E)

(b)(7)(E)

This practice is consistent with HSI's victim-centered approach to human trafficking. Trafficking victims can face difficulty in obtaining employment because of inadvertent arrests or administrative charges related to their trafficking victimization that appear when a prospective employer conducts a background check. This could happen for recent victims as well as those whose cases closed long ago.

Chapter 13. PUBLIC AFFAIRS AND TRAINING GUIDANCE

The Public Affairs Subcommittee of the Senior Policy Operating Group to Monitor and Combat Trafficking in Persons developed the following guidance for public affairs officers governmentwide as well as anyone developing outreach materials and training.

13.1 Messages

A. Messages should:

- 1) Be tailored based on the goals, audience, and method of delivery. Stick to plain language guidelines. While messages will vary based on the outlet, it is helpful to keep them simple, both in length and complexity.

Appendix F

(b)(7)(E)



- 2) Be quick and concise. Easily grab the audience's attention and tell the audience where to find more information. Use one reliable statistic or relatable story and ask the reader to complete one simple action or step to not overload the target audience with too much information.
- 3) Use simple syntax and vocabulary for the message to be widely accessible. While retaining simplicity, it is important to have a factual message that avoids misconceptions about human trafficking.
- 4) Contain a clear request. Ask the audience to complete one simple action or step, such as calling a hotline number when suspecting a trafficking situation or learning more about human trafficking by visiting a specific website. This is more effective than asking for three different actions because it focuses the audience's attention. The request should align with the goal of the campaign or materials.

B. Victim-centered and trauma-informed messaging:

- 1) Is empowering and hopeful.
- 2) Avoids retraumatization.
- 3) Supports victims' rights, dignity, autonomy, and self-determination.
- 4) Uses positive framing, which can elicit a positive response from the audience and encourage action.
- 5) Highlights a human trafficking hotline, service program, or a law enforcement reporting mechanism to demonstrate that there is assistance available for trafficking victims. It is helpful to also include an option to send a text message because victims may be unable to make a call or stay on the phone long enough to make a report.
- 6) Uses brighter colors and positive images to show that there is help available for victims of trafficking.

C. When creating a message, SAs should consider engaging survivors as participants in the process. When engaging survivors, SAs should:

- 1) Get permission first. It is a survivor's decision to participate in any outreach, marketing, social media, or publicity efforts. Publishing a survivor's name or story without informed consent could compromise the survivor's safety and well-being. Photos or names of human trafficking survivors should not be published without their consent and they should be informed in advance of how they will be used.

- 2) Consider survivors' expertise and strengths as well as the length of time out of their trafficking situation. SAs should start with survivors who are already active and established as advocates.
- 3) Consult survivors throughout the development of the campaign/messaging content to ensure that the message can be effective in reaching victims and in delivering an accurate message of the reality of human trafficking to the broader community.
- 4) Incorporate diverse human trafficking survivor perspectives (e.g., sex and labor trafficking, LGBTQI+, foreign national, and U.S. citizen or LPR survivors).
- 5) Allow survivors to shape their stories in their own way by using open-ended questions (e.g., "What would you want this audience to understand about human trafficking?").
- 6) Be clear with survivors about next steps and the projected timeline of the project to help manage expectations.

13.2 Images

A. Images should:

- 1) Be victim-centered and promote an accurate understanding of human trafficking. Images can draw connections in the audience's mind that are both intended and unintended. They project an understanding of what a victim may look like. If all sex trafficking campaigns depict child victims, for instance, audiences may not realize that adults can be victims of sex trafficking.
- 2) Be tailored to the demographics of the target audience to ensure that the message is relatable. Images should have backgrounds/scenes that can be easily recognized, such as a city skyline or a key landmark.
- 3) Represent the diverse spectrum of human trafficking victims – individuals of all races, ethnicities, ages, and genders.
- 4) Show examples of what someone in the general public might encounter and encourage an appropriate reporting mechanism such as the ICE Tip Line and the National Human Trafficking Hotline. It is important to encourage the general public to get help rather than take independent action.
- 5) Highlight the ways traffickers recruit victims. For example, consider showcasing social media or cell phones as tools used by traffickers.

B. Avoid images that:

- 1) Display physical abuse. These types of images can be dehumanizing or objectifying and depict victims merely as objects or subjects of violence. They can also be retraumatizing to audience members who may be victims of crime.
- 2) Reinforce misconceptions about human trafficking. Human trafficking is a complex crime that takes many forms. Images that only rely on the most violent examples, like those depicting victims of trafficking in chains, behind bars, or in handcuffs, can promote the common perception that victims of trafficking must be physically restrained and ignore the subtle forms of coercion that can be used for exploitation.
- 3) Sensationalize the issue for shock value to draw the audience's attention. Examples of these types of images include those of scantily clad women on the street, highly dramatic kidnapping scenes, or children sobbing.
- 4) Fail to comply with stock photo terms of use.

13.3 Statistics

Use the following sources for global and national statistics:

- A. The International Labour Organization and the Walk Free Foundation, in partnership with the International Organization for Migration, released *Global Estimates of Modern Slavery* in September 2017. This report estimates that, at any given time in 2016, approximately 25 million people were in forced labor. This figure comprises 16 million people exploited in the private sector (such as domestic work, construction, or agriculture), 4.8 million persons in forced sexual exploitation, and 4 million persons in state-imposed forced labor. This recent estimate generally reflects what the U.S. Government considers to be covered by the umbrella term “human trafficking,” and thus agencies can consider citing this number (as of the date of issuance of this Handbook) as the best estimate of the number of victims of human trafficking in the world at any given time. (It should be noted that the report estimates are higher because they include forced marriage which is not recognized as human trafficking under U.S. law.)
- B. The *National Human Trafficking Hotline* (1-888-373-7888) maintains one of the most extensive data sets on the issue of human trafficking in the United States. The statistics on its website at <https://humantraffickinghotline.org/states> are based on aggregated information received through phone calls, emails, and online tips shared via the Hotline. The Hotline is operated 24 hours a day, seven days a week, and has access to over 200 languages through a tele-interpreting service. The Hotline maintains a referral network of over 3,200 referral contacts, including anti-trafficking

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organizations, legal service providers, shelters, law enforcement, and local social service agencies that can assist victims of human trafficking.

C. The U.S. narrative in DOS's annual *Trafficking in Persons Report* and the annual *Attorney General's Trafficking in Persons Report* include updated statistics on the following:

- 1) Number of newly opened investigations, initiated prosecutions, and secured convictions;
- 2) Number of defendants charged;
- 3) Funding to task forces and the number of new task forces;
- 4) Number of Certification Letters to foreign adults and Eligibility Letters to foreign children issued;
- 5) Funding for victim services and the number of NGOs supported and individuals served through this funding;
- 6) Number of child trafficking victims assisted through the HHS Unaccompanied Refugee Minors Program;
- 7) Number of granted T nonimmigrant status and T nonimmigrant derivative status visas; and
- 8) Number of issued CP and extensions of CP.

13.4 Preferred Language

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(b)(7)(E). In professional communications, including outreach, training, press releases, talking points, and other official documents, preferred terms include trafficker, victim, commercial sex act, sex buyer, and child sexual abuse materials.

13.5 Delivering Training

SAs conduct trainings within their AORs as part of a greater outreach strategy to inform individuals, organizations, and agencies who may be a source of leads to HSI. SAs are expected to follow the guidance in this Chapter specific to messages, images, and terminology when

SUPERSEDED DOCUMENTS

The Human Smuggling and Trafficking Investigations Handbook supersedes the following documents:

Homeland Security Investigations Memorandum

1. Domestic and International Undercover Alien Smuggling Investigations (March 23, 2012)

Office of Investigations Memoranda

1. Human Trafficking Notification Requirements (April 30, 2010)
2. New Project Code 6AB for ICE HT Outreach Campaign (March 1, 2009)
3. Extraterritorial Criminal Strike Force (August 1, 2008)
4. Options and Forms of Immigration Relief for Victims and Witnesses in ICE Investigations (January 22, 2008)
5. ICE Trafficking in Persons Strategy (ICE TIPS): Responding to Trafficking Victims Leads (July 27, 2007)
6. Trafficking in Persons Assessment (December 17, 2006)
7. Definitions of “Human Smuggling” and “Human Trafficking” (December 13, 2004)
8. Standard Operating Procedure Domestic and International Transportation of Undocumented Aliens (December 3, 2004)
9. Standard Operating Procedure Human Smuggling Proprietary Safe House Operations (March 8, 2004)

U.S. Immigration and Naturalization Service Special Agent Field Manual

Chapter 27 of the U.S. Immigration and Naturalization Service Special Agent Field Manual entitled, “Smuggling Investigations,” was cancelled by the Human Smuggling and Trafficking Unit on August 12, 2010.

conducting any human trafficking training. Training PowerPoints, videos, and materials are available on the (b)(7)(E) To submit materials for inclusion on (b)(7)(E) SAs should email the CCHT Operations Unit at (b)(7)(E)@ice.dhs.gov.

13.6 Training for Special Agents

New SAs are required to take a one-hour computer-based training on human trafficking prior to the completion of their first year of employment. The course provides an overview of human trafficking, case scenarios, and the appropriate response when an HSI employee encounters a human trafficking situation.

The CCHT Operations Unit offers two Advanced Human Trafficking Investigations Courses a year at the Federal Law Enforcement Training Center (FLETC), subject to the availability of funding. Trainers often include prosecutors from the DOJ HTPU, CCHT Operations Unit, VAP, and OPLA HRVLD. The CCHT Operations Unit will notify Human Trafficking Groups when these courses are being offered. The CCHT Operations Unit provides regional training as requested by field offices.

Also subject to funding, DOJ holds regional human trafficking training events. Task forces will organize internal training as needed. The Freedom Network, a coalition of victim service providers, hosts an annual conference for law enforcement, victim service providers, advocates, and other community groups; the first optional day is a Human Trafficking 101 for law enforcement officers new to the issue. The CCHT Operations Unit will notify Human Trafficking Groups when these courses are being offered.

Chapter 14. FUNDING MECHANISMS

As with any major investigation or project, funding is a critical component in successfully investigating human trafficking. There are many potential funding options available to support human trafficking investigations, all of which should be considered and exploited to optimize the range and impact of investigations.

14.1 SAC Budget

General criminal investigation support is funded at the discretion of the SAC in the respective AOR. Each SAC designates priorities for the SAC office and funding is dispensed accordingly. SAs should consult with local management regarding investigative funding.

14.2 Certified Undercover Operations

All human trafficking-related undercover operations will be conducted in accordance with the policies and procedures provided by the Undercover Operations Handbook (OI HB 08-04), dated April 14, 2008, or as updated. The inclusion of a human trafficking investigation in a certified undercover (CUC) operation may allow for the use of certain funds to facilitate investigation

ACRONYMS

ACTeam	Anti-Trafficking Coordination Team
AD	Assistant Director
AIRG	Asset Identification and Removal Group
AO	Asylum Officer
AOR	Area of Responsibility
ASR	Administrative Stay of Removal
AUSA	Assistant United States Attorney
CBP	U.S. Customs and Border Protection
C.F.R.	Code of Federal Regulations
CI	Confidential Informant
CP	Continued Presence
CUC	Certified Undercover Operation
DAD	Deputy Assistant Director
DHS	Department of Homeland Security
DOJ	Department of Justice
DRO	Detention and Removal Operations
DUCS	Division of Unaccompanied Children's Services
EAD	Executive Associate Director
ECT	Extraterritorial Criminal Travel
ENFORCE	Enforcement Case Tracking System
EOIR	Executive Office for Immigration Review
ERO	Enforcement and Removal Operations
ESWP	Exigent Security for Witnesses Program
FOJC	Field Office Juvenile Coordinator
FOUO	For Official Use Only
HB	Handbook
HHS	Department of Health and Human Services
HQ	Headquarters
HRSP	Human Rights and Special Prosecutions
HSI	Homeland Security Investigations
HSO	Human Smuggling Organization
HSTC	Human Smuggling and Trafficking Center
HSTU	Human Smuggling and Trafficking Unit
HTO	Human Trafficking Organization
HTPU	Human Trafficking Prosecution Unit
ICE	U.S. Immigration and Customs Enforcement
INA	Immigration and Nationality Act
IOC2	International Organized Crime and Intelligence Operations Center
IP	Internet Protocol
IPAS	Illicit Pathways Attack Strategy
ISD	Investigative Services Division

requirements, including (b)(7)(E) It should be noted that an investigation in one AOR with a nexus to a case in another AOR may be eligible for funding under the SAC's CUC operation.

14.3 Domestic Operations

Domestic Operations has multiple funding mechanisms to assist with investigations, including from the Treasury Executive Office for Asset Forfeiture (TEOAF). Funding availability fluctuates from year to year depending on deposits to TEOAF from previous years. Due to the limited amount of funding HSI receives each year, SAs should keep in mind that there are other potential funding resources available if their investigation qualifies.

State and Local Overtime (SLOT) funds may be used to reimburse certain expenses incurred by local, county, and state LEAs when their members participate in joint operations with HSI or other participating TEOAF agencies. The reimbursable expenses can include overtime, travel, fuel, training, equipment, and/or other related expenses. In order for SLOT to be utilized, a Memorandum of Understanding must first be entered into by the local SAC office and the respective local, county, state, or tribal LEA. Therefore, it is essential that SAs coordinate with their local management early in an investigation to ensure that the required paperwork is completed. SLOT is provided directly to the local HSI office through Domestic Operations.

Domestic Operations provides guidance on the current process to request funds under the (b)(7)(E) tab (b)(7)(E). For any questions, SAs can also coordinate with their respective Operations Manager or by emailing Domestic Operations at (b)(7)(E)@ice.dhs.gov.

14.4 CCHT Operations Unit

On a case-by-case basis, the CCHT Operations Unit can fund certain operational expenses for human trafficking investigations. Requests for CCHT Operations Unit funding must be sent through the local HSI office's chain of command to the appropriate Domestic Operations POC before it is routed to the CCHT Operations Unit for review. Prior to drafting a request, it is suggested that SAs or their Group Supervisor contact the CCHT Operations Unit regarding availability of funds at (b)(7)(E)@ice.dhs.gov.

14.5 International Organized Crime Intelligence and Operations Center

The International Organized Crime Intelligence and Operations Center (IOC2) supports member agency field office efforts to significantly disrupt and dismantle transnational criminal organizations posing the greatest threat to the United States, including those named to the Top International Criminal Organization Targets (TICOT) list and/or designated as a Priority Transnational Organized Crime (PTOC) target. IOC2 has funding available for human trafficking investigations if the case meets the requirements. (For additional information and guidance, SAs should contact IOC2.)

ISP	Internet Service Provider
ISU	Investigative Support Unit
LEPS	Law Enforcement Parole Section
NGO	Non-Governmental Organization
NHTRC	National Human Trafficking Response Center
OAM	Office of Air and Marine
OBP	Office of Border Patrol
OCC	Office of the Chief Counsel
OCDETF	Organized Crime Drug Enforcement Task Force
OFO	Office of Field Operations
OI	Office of Investigations
ORR	Office of Refugee Resettlement
POE	Port of Entry
RFI	Request for Information
RICO	Racketeer Influenced and Corrupt Organization
ROI	Report of Investigation
SA	Special Agent
SAC	Special Agent in Charge
SCR	Significant Case Report
SEVIS	Student and Exchange Visitor Information System
SIA	Special Interest Alien
SIR	Significant Incident Report
SOD	Special Operations Division
SPBP	Significant Public Benefit Parole
SRT	Special Response Team
SUA	Specified Unlawful Activity
TOC	Transnational Organized Crime
TCPSD	Transnational Crime and Public Safety Division
TVPA	Trafficking Victims Protection Act
TVPRA	Trafficking Victims Protection Reauthorization Act
UCA	Undercover Agent
UDA	Undocumented Alien
USAO	U.S. Attorney's Office
U.S.C.	United States Code
USCIS	U.S. Citizenship and Immigration Services
VAC	Victim Assistance Coordinator
VAP	Victim Assistance Program
VAS	Victim Assistance Specialist

14.6 Forced Labor Program

HSI receives an earmark of Forced Child Labor funds that can be used by HSI domestic offices and offices in foreign locations to pay investigative expenses, such as travel expenses of the case agent, victim assistance personnel, and prosecutors; translation/interpretation services; and other types of expenses on cases that fit the definition of “forced child labor” under the International Labour Organization Convention No. 182. This definition is more expansive than the criminal statute of 18 U.S.C. § 1589. The Program Manager determines if the investigation meets the definition. Please note that these funds may not be used for training or to purchase equipment. SAs should email (b)(7)(E)@ice.dh.gov for more information.

14.7 Organized Crime Drug Enforcement Task Force

The Organized Crime Drug Enforcement Task Force (OCDETF) has funding available for human trafficking investigations. (For additional information and guidance, SAs should contact their HSI OCDETF Regional Coordinator.)

Chapter 15. INVESTIGATIVE RESOURCES

When conducting human trafficking investigations, SAs need to understand that there are organizations and entities that can aid in the primary and secondary aspects of their investigations. These groups provide SAs with invaluable forms of intelligence, organization, and victim assistance to what can become very complex cases. The following sections detail some of the primary resources needed to help conduct human trafficking investigations more effectively.

15.1 International Organized Crime Intelligence and Operations Center

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(b)(7)(E) IOC2 can further help conduct case coordination in furtherance of the investigations. When requesting (b)(7)(E)
(b)(7)(E) Requests for IOC2 assistance should be submitted through (b)(7)(E)

15.2 Special Operations Division

(b)(7)(E)
(b)(7)(E) SOD can be contacted at
(b)(7)(E)@ice.dhs.gov.

15.3 Counterterrorism and Criminal Exploitation Unit

The Counterterrorism and Criminal Exploitation Unit (CTCEU) brings special skill sets to human trafficking cases that involve certain visa classes such as F, M, and J visas. The CTCEU Student and Exchange Visitor Information System (SEVIS)'s Exploitation Section may be contacted by SAs any time the trafficking scheme being used involves F, M, or J visas or academic, vocational, and/or flight schools. CTCEU (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E) CTCEU can be contacted at (b)(7)(E) @ice.dhs.gov; additional information can be found on (b)(7)(E)

15.4 National Targeting Center – Investigations

The National Targeting Center - Investigations (NTC-I) supports ongoing HSI investigations and provides investigative referrals and intelligence to HSI field offices. NTC-I augments HSI programmatic efforts such as human trafficking by providing significant investigation support, case enhancement, and development capabilities. To request assistance from NTC-I, SAs should fill out the NTC-I Assistance Request form:

(b)(7)(E)

15.5 OPLA Human Rights Violator Law Division

OPLA HRVLD holds specialized legal expertise in human trafficking statutes, investigations, and prosecutions; federal victim assistance; T visas; U visas; and CP. Assistance can include discussing whether a fact pattern could be prosecuted as trafficking, what additional evidence is required to prove trafficking, strategies for working with the local USAO, or liaising with the DOJ HTPU regarding a particular case of interest. SAs may contact HRVLD at

(b)(7)(E)

@ice.dhs.gov.

15.6 OPLA Homeland Security Investigations Law Division

OPLA HSILD provides specialized legal guidance on criminal customs and trade-related laws and investigations, including those with a nexus to illicit importations and supply chains involving forced labor. SAs may contact HSILD at (b)(7)(E) @ice.dhs.gov.

15.7 Polygraph Examinations

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Chapter 16. EMPLOYEE ASSISTANCE

SAs working exploitation-based investigations routinely encounter unique strains and challenges associated with these types of investigations. The CCHT Operations Unit seeks to mitigate risks or potential negative consequences derived from human trafficking investigations and promotes participation in the Employee Assistance Program. Confidential assistance is available 24 hours a day/seven days a week via phone at (b)(7)(E)

Appendix A

INTERVIEW QUESTIONS TO DETECT INDICATORS OF HUMAN TRAFFICKING

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Page 2861

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of the Freedom of Information and Privacy Act

Page 2862

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of the Freedom of Information and Privacy Act

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SUPERSEDED DOCUMENTS

The following policy documents are superseded by the Human Trafficking Investigations Handbook:

1) HSI Special Agent Handbook (in part)

“Human Smuggling and Trafficking Investigations Handbook” (HSI HB 15-04), dated August 21, 2015:

Chapters 8 and 9; Sections 13.7-9, 15.1-15.7, and 15.9; Appendices D and E; and any other part of the HSI HB 15-04 that discusses or mentions human trafficking.

2) ICE Office of Investigations Memorandum

“ICE Virtual University Human Trafficking Course,” dated August 29, 2005.

3) ICE Homeland Security Investigations Memorandums

“Human Trafficking Computer Based Training for Special Agents,” dated June 19, 2012.

ACRONYMS

ACTeam	Anti-Trafficking Coordination Team
AML	Anti-Money Laundering
AOR	Area of Responsibility
AUSA	Assistant United States Attorney
BJA	Bureau of Justice Assistance
BSA	Bank Secrecy Act
CA	Criminal Analyst
CCHT	Center for Countering Human Trafficking
C.F.R.	Code of Federal Regulations
CFT	Countering the Financing of Terrorism
CIO	Chief Intelligence Officer
CP	Continued Presence
CTCEU	Counterterrorism and Criminal Exploitation Unit
CUC	Certified Undercover
DHS	Department of Homeland Security
DICE	Deconfliction and Information Coordination Endeavor
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
EEOC	Equal Employment Opportunity Commission
EMT	Emergency Medical Technician
ERO	Enforcement and Removal Operations
FBI	Federal Bureau of Investigation
FIS	Forensic Interview Specialist
FLETC	Federal Law Enforcement Training Center
FOUO	For Official Use Only
HB	Handbook
HHS	Department of Health and Human Services
HQ	Headquarters
HRVLD	Human Rights Violators Law Division
HSI	Homeland Security Investigations
HSILD	HSI Law Division
HTPU	Human Trafficking Prosecution Unit
ICE	U.S. Immigration and Customs Enforcement
ICM	Investigative Case Management
III	Interstate Identification Index
IOC2	International Organized Crime and Intelligence Operations Center
LEA	Law Enforcement Agency
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Question, Intersex Plus
LPR	Lawful Permanent Resident
NCMEC	National Center for Missing & Exploited Children

NGO	Nongovernmental Organization
NTA	Notice to Appear
NTC-I	National Targeting Center – Investigations
OCDETF	Organized Crime Drug Enforcement Task Force
OI	Office of Investigations
OPLA	Office of the Principal Legal Advisor
PLEPU	Parole and Law Enforcement Programs Unit
POC	Point of Contact
PTOC	Priority Transnational Organized Crime
RFA	Request for Assistance
RICO	Racketeer Influenced and Corrupt Organization
ROA	Report of Analysis
ROI	Report of Investigation
SA	Special Agent
SAC	Special Agent in Charge
SCR	Significant Case Report
SEVIS	Student and Exchange Visitor Information System
SLOT	State and Local Overtime
SOD	Special Operations Division
SPBP	Significant Public Benefit Parole
S.T.O.P.	Strategic Targeted Outreach Program
SUA	Specified Unlawful Activity
TEOAF	Treasury Executive Office for Asset Forfeiture
TICOT	Top International Criminal Organization Target
TVPA	Trafficking Victims Protection Act
TVPRA	Trafficking Victims Protection Reauthorization Act
UN	United Nations
USAO	U.S. Attorney's Office
U.S.C.	United States Code
USCIS	U.S. Citizenship and Immigration Services
VAC	Victim Assistance Coordinator
VAP	Victim Assistance Program
VAP/MOU	Victim Assistance Program/Management Oversight Unit
VAS	Victim Assistance Specialist

Sections of 2015 Human Smuggling and Trafficking Investigations Handbook Superseded by Human Trafficking Investigations Handbook

- 3.5 – Debt Bondage
- 3.11 – Human Trafficking
- 4.4 – Unit Chief, Human Smuggling and Trafficking Unit
- 4.6 – Group Supervisors (As it pertains to human trafficking)
- 4.7 – Special Agents (As it pertains to human trafficking)
- Chapter 8 (All)
- Chapter 9 (All)
- 13.7 – Continued Presence
- 13.8 – T Nonimmigrant Status and U Nonimmigrant Status
- 13.9 – Victim Assistance Coordinators and Victim Assistance Specialists
- 14.2 – TECS Program Codes (As it pertains to human trafficking)
- 15.1 – Human Smuggling and Trafficking Unit
- 15.2 – Human Smuggling and Trafficking Center
- 15.3 – National Human Trafficking Resource Center
- 15.4 – Victim Assistance Program
- 15.5 – Forensic Interview Program
- 15.6 – Office of Refugee Resettlement
- 15.7 – Non-Governmental Organizations
- 15.8 – HSI Office of Intelligence
- 15.9 – Human Trafficking Prosecutions Unit
- Appendix D
- Appendix E

